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ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Sixth and Seventh Years of the Reign of  
Her Majesty  
QUEEN ELIZABETH II

Being the Fourth Session of the Twenty-Fifth  
Legislature of Ontario

CONVENED ON THE 3RD DAY OF FEBRUARY, 1958, AND  
PROROGUED ON THE 27TH DAY OF MARCH, 1958

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HIS HONOUR JOHN KEILLER MACKAY  
LIEUTENANT-GOVERNOR

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TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty  
1958





ONTARIO

# STATUTES

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## PROVINCE OF ONTARIO

PASSED IN THE SESSION BEGAN AT TORONTO IN THE

SIXTH AND SEVENTH YEARS OF THE REIGN OF

HER MAJESTY

QUEEN ELIZABETH II

BEING THE FOURTH SESSION OF THE TWENTY-FIFTH  
LEGISLATURE OF ONTARIO

ENACTED ON THE 14TH DAY OF FEBRUARY, 1955 AND  
ENFORCED ON THE 27TH DAY OF MARCH, 1955

HIS HONOUR JOHN REID, M.A.  
GOVERNOR



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PART I  
PUBLIC ACTS  
Chapters 1 to 123





# 6-7 ELIZABETH II

## CHAPTER 1

### An Act to amend The Administration of Justice Expenses Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Administration of Justice Expenses Act* is repealed. R.S.O. 1950, c. 5, s. 3, subs. 1, repealed

**2.** Paragraph 1 of section 30 of *The Administration of Justice Expenses Act* is amended by striking out "sheriff" in the first line, so that the paragraph shall read as follows: R.S.O. 1950, c. 5, s. 30, par. 1, amended

1. All sums payable to the coroner, jailer, surgeon of the county jail, or to any other officer or person, for the support, care or safe keeping of the prisoners in the county jail, or for the repair and maintenance of the court house or jail.

**3.—(1)** Item 1 under the heading "SHERIFFS" of Schedule A to *The Administration of Justice Expenses Act* is amended by striking out "\$1.50" and inserting in lieu thereof "\$3.00", so that the item shall read as follows: R.S.O. 1950, c. 5, Sched. A (Sheriffs), item 1, amended

1. Serving subpoena or executing warrant . . . . . \$3.00

**(2)** Item 2 under the heading "SHERIFFS" of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1950, c. 5, Sched. A (Sheriffs), item 2, re-enacted

2. Mileage going to execute warrant or serve subpoena or in returning with prisoner, per mile actually travelled, one way,
  - (a) in northern Ontario . . . . . \$ .25
  - (b) in southern Ontario . . . . . .20

For the purpose of this item the dividing line between southern Ontario and northern Ontario is as follows:

Highway No. 12 from Penetanguishene through Midland to its junction with No. 7 north of Sunderland, No. 7 eastward to Perth, No. 15 to Carleton Place, No. 29 to Arnprior, No. 17 to Renfrew, the paved county road from Renfrew through Douglas to Pembroke, No. 17 Pembroke to Chalk River; the said highways to be included in southern Ontario.



R.S.O. 1950,  
c. 5,  
Sched. A  
(Sheriffs),  
items 3,  
10, 22,  
repealed

(3) Items 3, 10 and 22 under the heading "SHERIFFS" of the said Schedule A are repealed.

R.S.O. 1950,  
c. 5,  
Sched. A  
(Constables),  
item 5,  
amended

(4) Item 5 under the heading "CONSTABLES" of the said Schedule A is amended by striking out "6.00" in the third line and inserting in lieu thereof "8.00".

Short title

4. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1958*.

## CHAPTER 2

**An Act to provide  
for the Control of Air Pollution**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) In this Act,**

Interpre-  
tation

- (a) “air contaminant” means any solid, liquid or gas or combination of any of them in the outdoor atmosphere that contributes to air pollution;
- (b) “air pollution” means the presence in the outdoor atmosphere of any air contaminant in quantities that may cause discomfort to or endanger the health or safety of persons, or that may cause injury or damage to property or to plant or animal life;
- (c) “density” means the shade or opacity of an air contaminant at the point of emission to the outdoor atmosphere;
- (d) “Minister” means Minister of Health;
- (e) “municipality” means county, city, town, village or township, and includes The Municipality of Metropolitan Toronto but does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act, 1953*, c. 73;
- (f) “municipal officer” means officer of a municipality who is appointed to administer and enforce any air pollution control by-law;
- (g) “provincial officer” means officer of the Department of Health who is designated by the Minister as a provincial officer for the purposes of this Act.

(2) The density of an air contaminant that is approximately black shall be determined by means of a chart commonly

known

known as the Ringelmann Chart, a Micro-Ringelmann Chart, or by a comparable chart having black dots upon a white ground, or by a glass comparator, so as to produce:

No. 1 density—approximately 20% black with approximately 80% of the ground white.

No. 2 density—approximately 40% black with approximately 60% of the ground white.

No. 3 density—approximately 60% black with approximately 40% of the ground white.

No. 4 density—approximately 80% black with approximately 20% of the ground white.

No. 5 density—approximately 100% black.

Idem

(3) The density of an air contaminant to which subsection 2 does not apply shall be determined by its opacity by means of visual inspection thereof and shall be related to the density of an air contaminant under subsection 2 that has approximately the same degree of opacity.

Powers of  
Minister

## **2. The Minister may,**

- (a) engage the services of consultants for the purposes of this Act;
- (b) make grants to universities and other organizations for research in the field of air pollution or for the training of persons in that field;
- (c) assist municipal officials in the preparation of air pollution control by-laws, in the development of an air pollution control programme and in the training of local staffs for this purpose;
- (d) furnish advice in the field of air pollution;
- (e) investigate or make arrangements for the investigation of air pollution problems;
- (f) recommend testing procedures for determining the amount of air contaminants.

Municipal  
by-laws

**3.—(1)** The council of any municipality may pass by-laws for prohibiting or regulating the emission from any source of air contaminants or any type or class thereof.



(2) Without limiting the generality of subsection 1, the <sup>Idem</sup> council of any municipality may pass by-laws,

- (a) subject to clauses *c* and *d*, for prohibiting the emission from any source of any air contaminant having a density greater than No. 2 density;
- (b) subject to clauses *c* and *d*, for limiting to a period or periods totalling not more than four minutes in any one half-hour the emission from any source of any air contaminant that has a density greater than No. 1 density and not greater than No. 2 density;
- (c) subject to clause *d*, for limiting to a period or periods totalling not more than three minutes in any one quarter-hour during the lighting of new fires in heating equipment the emission from any source of products of combustion that have a density greater than No. 1 density and not greater than No. 3 density;
- (d) for permitting, in the event of a breakdown in equipment, the emission of air contaminants beyond the limits set forth in clause *b* or *c* for such period as may, in the opinion of a municipal officer, be required to repair the equipment;
- (e) for prohibiting,
  - (i) any person to operate, or to cause or permit to be operated, an incinerator for the disposal of scrap, waste material, rubbish, garbage or any combination thereof in such a way as to cause air pollution,
  - (ii) any person to set, feed or maintain, or to cause to be set, fed or maintained, any open fire for the disposal of any material in such a way as to cause air pollution,
  - (iii) any person to operate, or to cause or permit to be operated, an internal combustion engine in such a way as to cause air pollution;
- (f) for requiring the owners or occupants of premises to furnish such information as a municipal officer may require for the purposes of administering or enforcing the by-law;
- (g) for regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance,

operation

operation and use of any equipment, apparatus, device, mechanism or structure from which any air contaminant may be emitted, and for requiring that plans and specifications therefor and such information as a municipal officer may require with respect thereto be filed with and approved by a municipal officer and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced, and for requiring that the work so approved be commenced and proceeded with within one year from the date of such approval and that otherwise such approval shall be void, and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law, and for providing that without such certificate no such equipment, apparatus, device, mechanism or structure shall be operated or used, and for charging fees for such approval of plans and specifications and for such certificates;

- (h) for appointing one or more municipal officers to administer and enforce any air pollution control by-law and for authorizing any such officer to enter in or upon any premises at any reasonable time and make such examinations, tests and inquiries as he may deem necessary or advisable for the purposes of the by-law, and for requiring the owner or occupant of any premises, his employees and agents to furnish all means in his or their power that may be required by the officer under this clause, and for requiring such installations of or alterations in any equipment, apparatus, device, mechanism or structure or such changes in the manner of operating the same as may be necessary to prevent or lessen the emission of any air contaminant;
- (i) for authorizing a municipal officer to permit deviations from the requirements of any air pollution control by-law;
- (j) for imposing fines, for a first offence, of not more than \$100, and for a second or subsequent offence, of not more than \$300, upon every person who contravenes or fails to comply with any by-law passed under this section or any order of a municipal officer, which fines shall be recoverable under *The Summary Convictions Act* and for providing that each day that a person contravenes or fails to comply with any such by-law or order constitutes a separate offence.

(3) A proposed by-law under subsection 1 or 2 shall be submitted to the Minister for his review and advice and shall not be passed until thirty days have elapsed after it has been so submitted. Submission of proposed by-law to Minister

(4) Subsection 1 with respect to products of combustion and clauses *a*, *b*, *c*, *d* and *g* of subsection 2 do not apply to fuel-burning equipment having an intake per hour of 150,000 British Thermal Units or less. Exemptions

(5) Clause *g* of subsection 2 does not apply to mobile equipment or to routine maintenance work, minor alterations or emergency repairs that do not increase the emission of air contaminants. Idem

(6) No by-law passed under subsection 1 or 2 applies to products of combustion until ninety days after it or a synopsis of it has been published in a newspaper having general circulation in the municipality. Application

(7) No by-law passed under subsection 1 or 2 applies to air contaminants, other than products of combustion, until two years after it or a synopsis of it has been published in a newspaper having general circulation in the municipality. Idem

(8) As soon as an air pollution control by-law of a county becomes operative, all such by-laws of the local municipalities forming part of the county for municipal purposes become inoperative and remain inoperative so long as the county by-law remains operative. Suspension of local by-laws

(9) No by-law passed or regulation made under this Act applies to sulphur fumes arising from the operations designated in *The Damage by Fumes Arbitration Act*. Application to sulphur fumes  
R.S.O. 1950, c. 87

4.—(1) Where a municipality passes an air pollution control by-law and appoints a municipal officer with power to exercise the powers mentioned in clause *h* of subsection 2 of section 3, the council shall by by-law establish an appeal board composed of not more than five members, not more than two of whom shall be members of a municipal council, to hear and determine appeals from orders of municipal officers and for prescribing the procedure on such appeals. Appeal

(2) Any person may appeal within thirty days from a decision of an appeal board to a judge of the county or district court of the county or district in which the municipality is situate and such appeal shall be a hearing *de novo* and the decision of the judge is final and not subject to any further appeal. Further appeal

Joint  
administra-  
tion

**5.** Any two or more municipalities may enter into agreement to provide for joint administration and enforcement of their respective air pollution control by-laws and to provide for the sharing of the cost thereof.

Unorganized  
territory

**6.—(1)** The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations applicable in territory without municipal organization with respect to any of the matters mentioned in section 3.

Idem

(2) Any such regulation may be general in its application or may be restricted in its application to any designated area or class of premises.

Powers of  
provincial  
officers

**7.—(1)** A provincial officer may enter in or upon any premises at any reasonable time and make such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act and the regulations made under this Act.

In territory  
without  
municipal  
organization

(2) A provincial officer may in territory without municipal organization require such installations of or alterations in any equipment, apparatus, device, mechanism or structure or such changes in the manner of operating the same as may be necessary to prevent or lessen the emission of any air contaminant.

Owners to  
co-operate

(3) The owner or occupant of any premises, his employees and agents shall furnish all means in his or their power that may be required by a provincial officer to carry out his duties under this section.

Appeal

(4) Any person may appeal within thirty days from any order of a provincial officer made under subsection 2 to a judge of the district court of the district in which the premises to which the order relates are located and the decision of the judge is final and not subject to any further appeal.

Appeal to  
Minister  
for extension  
of time

**8.** Where a person complains that it is not technically feasible to comply with an order of a municipal or provincial officer or with a decision of an appeal board within the time required by the order or decision, he may appeal to the Minister who may reject the appeal or extend the time for compliance with such order or decision.

Offences  
and  
penalties

**9.—(1)** Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act or any order made by a provincial officer is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$100 or, for a second or any subsequent offence, to a fine of not more than \$300.



(2) Each day that a person contravenes or fails to comply <sup>Idem</sup> with any provision of this Act or any regulation or any order made by a provincial officer constitutes a separate offence.

**10.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant-Governor by his Proclamation.<sub>ment</sub>

**11.** This Act may be cited as *The Air Pollution Control* <sup>Short title</sup> *Act, 1958.*



CHAPTER 3

**An Act to amend The Anatomy Act**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Anatomy Act* is repealed.

R.S.O. 1950,  
c. 16, s. 3,  
subs. 4,  
repealed
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Anatomy Amendment Act, 1958*.

Short title  
1958.





## CHAPTER 4

## An Act to amend The Assessment Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Assessment Act* is amended by striking out "taxation, subject to the following exemptions" in the first and second lines and inserting in lieu thereof "assessment and taxation, subject to the following exemptions from taxation", so that the section, exclusive of the paragraphs, shall read as follows:

4. All real property in Ontario shall be liable to assessment and taxation, subject to the following exemptions from taxation: Property assessable and taxable, exemptions

. . . . .

2.—(1) Subsection 1 of section 16 of *The Assessment Act*, as amended by section 5 of *The Assessment Amendment Act, 1953*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 24, s. 16, amended

- (bb) The value of the machinery and equipment referred to in paragraph 17 of section 4 shall not be entered on the roll. Value of machinery, etc.

(2) Column 5 of subsection 2 of the said section 16, as amended by section 3 of *The Assessment Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 16, subs. 2, Col. 5, re-enacted

Column 5.—Statement whether the person is an owner or tenant by inserting opposite his name the letter "O." or "T.", as the case may be, and, where the person is a "farmer's son", "farmer's daughter" or "farmer's sister", there shall also be similarly entered the letters "F.S.", "F.D." or "F.Sis.", and, in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated

R.S.O. 1950,  
c. 243

or entitled to be rated for land as owner as provided by *The Municipal Act*, there shall be entered the letters "M.F.C." meaning that such person is entitled to vote at municipal elections and is to be counted for the purpose of determining representation in the county council, and, in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as tenant as provided by *The Municipal Act* or by reason of being the wife of a farmer's son, or a farmer's daughter or farmer's sister, there shall also be entered the letters "M.F.N.C.", meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council, and all such names shall be numbered on the roll.

R.S.O. 1950,  
c. 24, s. 16,  
subs. 2,  
Cols. 10-19,  
20-28,  
re-enacted;  
Col. 19a  
(1957, c. 2,  
s. 5, subs. 2),  
repealed

(3) Columns 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Column 19a as enacted by subsection 2 of section 5 of *The Assessment Amendment Act, 1957*, and Columns 20, 21, 22, 23, 24, 25, 26, 27 and 28 of subsection 2 of the said section 16 are repealed and the following substituted therefor:

Column 10.—Actual value of the parcel of real property, exclusive of the buildings thereon.

Column 11.—Value of buildings as determined under section 33.

Column 12.—Total actual value of the land.

Column 13.—Total amount of taxable land.

Column 14.—Total value of the land if liable for school rates only.

Column 15.—Total value of land exempt from taxation or liable for local improvements only.

Column 16.—Total assessment for real property under clauses a and c of subsection 2 of section 308 of *The Municipal Act*.

Column 17.—Percentage applied in determining the amount of business assessment under section 6.

Column 18.—Amount of business assessment under section 6.

Column 19.

R.S.O. 1950,  
c. 243

Column 19.—Total assessment.

Column 20.—Residential assessment (include value of both land and buildings).

Column 21.—Professional and commercial assessment (include value of both land and buildings).

Column 22.—Manufacturing and industrial assessment (include value of both land and buildings).

Column 23.—Farm assessment (include value of both land and buildings, but only land actually in use for agricultural purposes or the growing of timber).

Column 24.—Vacation resort assessment (include value of both land and buildings used as summer cottages, hotels for summer use, ski and hunting lodges, etc.).

Column 25.—Waste land assessment (the value of any lands that are not suitable for agricultural purposes or the growing of timber or used as a vacation resort).

Column 26.—Religion.

Column 27.—School sections, and whether a public or separate school supporter, by inserting the letter "P" or "S", as the case may be.

Column 28.—Number of persons in the family of each person assessed as a resident, including such person and all other persons residing on the premises.

Column 29.—Number of dogs and number of bitches.

Column 30.—Date of delivery of notice under section 46.

Column 31.—Remarks.

**3.**—(1) Clause *b* of subsection 4 of section 51 of *The Assessment Act*, as re-enacted by subsection 2 of section 12 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 24, s. 51,  
subs. 4,  
cl. *b*  
(1955, c. 4,  
s. 12,  
subs. 2),  
re-enacted

(*b*) the amount credited to a body under clause *a* shall be paid over to such body not later than the 31st day of December in the year in which it was levied

and

and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made.

R.S.O. 1950,  
c. 24, s. 51  
(1951, c. 4,  
s. 3), subs. 5,  
re-enacted

(2) Subsection 5 of the said section 51, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

Treasurer's  
statement

(5) Where taxes are levied under this section, the treasurer shall deliver to each of the bodies entitled to a credit under clause *a* of subsection 4 on or before the 31st day of December in the year in which the taxes were levied a statement sufficient to enable the body to determine the correctness of the credit.

R.S.O. 1950,  
c. 24, s. 62,  
subs. 1  
(1952, c. 3,  
s. 15),  
amended

4. Subsection 1 of section 62 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1952*, is amended by striking out "or 137" in the sixth line and inserting in lieu thereof "137 or 236", so that the subsection shall read as follows:

County  
court of  
revision

(1) Where a county assessor is appointed under section 86, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 61 on assessment appeals, but the county court of revision shall not deal with applications under section 124, 135, 137 or 236 of this Act or appeals under any other Act.

R.S.O. 1950,  
c. 24, s. 69,  
subs. 16,  
amended

5. Subsection 16 of section 69 of *The Assessment Act* is amended by striking out "In other cases" in the first line, so that the subsection shall read as follows:

Proceedings

(16) The court, after hearing the complainant and the assessor or assessors and any evidence adduced and, if deemed desirable, the person complained against, shall determine the matter and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent ten days notice of such assessment, within which time he must appeal to the court if he objects thereto.



6. Subsection 4 of section 86 of *The Assessment Act* is amended by striking out "forthwith" in the second line and inserting in lieu thereof "within seven days", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 24, s. 86,  
subs. 4,  
amended

- (4) The clerk of every municipality in a county for which a county assessor has been appointed shall within seven days after the assessment roll has been returned to him by the assessor in any year give notice in writing by registered mail to the county assessor of the date on which such return was made.

Clerk to  
notify  
county  
assessor of  
return  
of roll

7.—(1) Subsection 1 of section 87 of *The Assessment Act*, as amended by section 20 of *The Assessment Amendment Act, 1955* and section 14 of *The Assessment Amendment Act, 1957*, is further amended by striking out "for" in the third line and inserting in lieu thereof "made in", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 24, s. 87,  
subs. 1,  
amended

- (1) The council of every county shall yearly, and not later than the 1st day of July, examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Annual  
examination  
of assess-  
ment rolls  
by county  
councils for  
purpose of  
equalization

(2) The said section 87 is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 24, s. 87,  
amended

- (1a) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 33a, an amount shall be calculated by,

Assessment  
equivalent  
of mining  
revenue  
payments  
to be added  
in equalizing  
assessment

(a) multiplying the part of such payment that was credited to the general funds of the municipality by 1000; and

(b) dividing the product obtained under clause a by the aggregate of the mill rates for general and county purposes levied in that year by

the

the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 308 of *The Municipal Act*; and

R.S.O. 1950,  
c. 243

- (*c*) increasing or decreasing the quotient obtained under clause *b* by the same per cent as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

and for the purpose of county rates the amount obtained under clause *c* shall be added to the aggregate valuations of the municipality as increased or decreased under subsection 1.

R.S.O. 1950,  
c. 24, s. 89,  
amended

**8.** Section 89 of *The Assessment Act* is amended by adding thereto the following paragraph:

Death of  
judge  
before  
report  
made

- 11*a*. Where the county judge dies before having made a report to the county council with respect to the appeal, the clerk of the county council shall forthwith notify in writing the succeeding judge or acting judge of the appeal under paragraph 10, and paragraph 10 shall apply as if the appeal had not been made to the deceased judge.

R.S.O. 1950,  
c. 24, s. 92,  
subs. 1,  
re-enacted

**9.** Subsection 1 of section 92 of *The Assessment Act* is repealed and the following substituted therefor:

Where  
boundaries  
changed or  
new  
municipality  
erected

- (1) Where in any year boundaries of municipalities are changed or a new municipality is erected within a county and the assessment rolls for the next preceding year do not conform to the new boundaries or there is no assessment roll of the new municipality, the county council shall, by examining or causing to be examined the rolls of the municipality or municipalities from which an area has been severed or the municipality or municipalities of which or part of which the new municipality was formed, ascertain to the best of their judgment what part of the assessment of the municipality or municipalities from which an area has been severed or of which or part of which the new municipality was formed relates to the new municipality or municipalities to which an area was annexed or to the new municipality, and their several shares of the county tax shall be apportioned accordingly.

R.S.O. 1950,  
c. 24, s. 105,  
amended

**10.** Section 105 of *The Assessment Act* is amended by striking out "October, or such other" in the eleventh line

and

and inserting in lieu thereof "September, or such earlier", so that the section shall read as follows:

105. The clerk shall attach to the roll a certificate signed by him according to the following form: Collector's roll to be certified by clerk

I do certify that the within (or annexed, or attached, or as the case may be) Roll is the Collector's Roll prepared according to the provisions of *The Assessment Act* for (naming the municipality, or for Ward No. .... of ....., as the case may be) for the year 19.....

A.B.  
Clerk of .....

and shall deliver the roll so certified to the collector on or before the 1st day of September, or such earlier date as may be prescribed by by-law of the municipality.

11. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1950, c. 24, amended

- 112a. After taxes have been levied in any year, the collector shall upon demand and the payment of a fee of 25 cents give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. Certificate re current taxes

- 12.—(1) Subsection 4 of section 113 of *The Assessment Act*, as amended by subsection 2 of section 16 of *The Assessment Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 113, subs. 4, re-enacted

- (4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and, Discount or interest on payments in advance

(a) to allow a discount on any taxes so paid in advance at a rate not exceeding 6 per cent per annum and may allow interest at a rate not exceeding 6 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or

(b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of

any

any instalment of such taxes at a rate not exceeding 6 per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are to be fixed and levied has not been revised and certified by the court of revision when any such advance payment is made, and a by-law passed under this subsection shall remain in force from year to year until it is repealed or amended.

R.S.O. 1950,  
c. 24, s. 113,  
subs. 7,  
amended

(2) Subsection 7 of the said section 113 is amended by inserting after "Canada" in the sixth line "trust company or Province of Ontario Savings Office" and by striking out "from the bank" in the eighth and ninth lines, so that the subsection shall read as follows:

Provision  
for payment  
of taxes  
into bank,  
etc.

(7) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company or Province of Ontario Savings Office as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

R.S.O. 1950,  
c. 24, s. 124  
(1953, c. 6,  
s. 13),  
subs. 12,  
amended

**13.** Subsection 12 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by adding at the commencement thereof "Except as provided in section 45a of *The Local Improvement Act*", so that the subsection shall read as follows:

Local  
improve-  
ment and  
area rates  
R.S.O. 1950,  
c. 215

(12) Except as provided in section 45a of *The Local Improvement Act*, no cancellation, reduction or refund under clause a of subsection 1 shall be made in respect of taxes levied for a local improvement or as a special area rate.

R.S.O. 1950,  
c. 24,  
amended

**14.** *The Assessment Act* is amended by adding thereto the following section:

Application  
for increase  
of taxes  
where gross  
error

**124a.**—(1) An application may be made by or on behalf of the municipal corporation to the court of revision for an increase in the taxes levied in the year in which



the application is made with respect to any person who is undercharged by reason of any gross or manifest error.

- (2) Notice of the application shall be given by mail by the applicant to the person with respect to whom application is made not less than fourteen days before the date upon which the application is to be dealt with by the court of revision. Notice of application
- (3) The court of revision may reject the application or may increase the taxes to the correct amount and the amount of the increase, subject to subsection 5, shall be collectable as if it had been originally levied and demanded. Powers of court of revision
- (4) Forthwith after the court of revision makes its decision, the clerk shall cause notice thereof to be given by mail to the person with respect to whom the application was made and such notice shall state thereon that the decision may be appealed to the county judge within ten days of the mailing of such notice. Notice of decision
- (5) The amount of any increase in taxes shall not be payable until ten days after the mailing of the notice under subsection 4 or, if an appeal is made to the county judge, until ten days after the decision of the county judge, and shall not be subject to any penalties applicable to taxes that are overdue and unpaid until such amount is payable. When increase payable
- (6) An appeal may be had to the county judge by the applicant or by the person with respect to whom the application was made from the decision of the court of revision or where the court of revision has omitted, neglected or refused to hear or dispose of an application under this section and such appeal shall be a hearing *de novo*. Appeal
- (7) The appellant shall personally or by his agent give notice in writing to the clerk of the municipality or to the assessment commissioner or to the person with respect to whom the application was made, as the case may be, within ten days of the mailing of the notice under subsection 4, of his intention to appeal to the county judge. Notice of appeal
- (8) The court of revision shall not deal with an application under this section if a certificate has been When application not to be dealt with

issued

issued by the tax collector under section 112a before the mailing of the notice of application under subsection 2.

R.S.O. 1950,  
c. 24, s. 236  
(1955, c. 4,  
s. 33),  
subs. 1,  
re-enacted

**15.** Subsection 1 of section 236 of *The Assessment Act*, as enacted by section 33 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Uncollect-  
able taxes

- (1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll and the council, upon the recommendation of the court, may direct the treasurer to strike such taxes off the roll.

R.S.O. 1950,  
c. 24,  
Form 4,  
re-enacted

**16.** Form 4 of *The Assessment Act*, as amended by section 34 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

#### FORM 4

(Section 56)

#### AFFIDAVIT OR AFFIRMATION OF ASSESSOR IN VERIFICATION OF ASSESSMENT ROLL

I, (*name and residence*), make oath and say (*or solemnly declare and affirm*) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in the municipality (*or ward*) of (*as the case may be*); and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act* each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 46 of *The Assessment Act*, and every such date is truly and correctly stated in the roll.

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him as aforesaid.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters in column 5 opposite any name with intent to give to any person not entitled to vote

a right of voting; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of the right of voting, omitted or caused to be omitted from column 5 opposite the name of such person any letter or letters which I ought to have placed there.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed))  
before me at the.....of  
.....in the County of  
....., this.....day of  
....., A.D. 19.....)

FORM OF OATH TO BE ATTACHED TO ASSESSMENT ROLL

Where assistant of an Assessment Commissioner enters date of delivery or transmission of notices under section 46

I, (name of assistant and residence), make oath and say (or solemnly declare and affirm) as follows:

I have entered in the assessment roll attached hereto the date of delivery or transmission of the notice required by section 46 of *The Assessment Act*, and every such date has been truly stated in the roll.

17.—(1) This Act, except subsections 2 and 3 of section 2 <sup>Commence-</sup><sub>ment</sub> and subsection 1 of section 12, comes into force on the day it receives Royal Assent.

(2) Subsections 2 and 3 of section 2 come into force on a day <sup>Idem</sup> to be named by the Lieutenant-Governor by his Proclamation.

(3) Subsection 1 of section 12 comes into force on the 1st <sup>Idem</sup> day of January, 1959.

18. This Act may be cited as *The Assessment Amendment* <sup>Short title</sup> *Act, 1958*.





## CHAPTER 5

**An Act to repeal  
The Beaches and River Beds Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Beaches and River Beds Act* is repealed. R.S.O. 1950,  
c. 38,  
repealed
2. This Act may be cited as *The Beaches and River Beds* Short title  
*Repeal Act, 1958.*



## CHAPTER 6

**An Act to amend  
The Blind Persons' Allowances Act, 1951**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.), c. 1, s. 1, cl. b, re-enacted

(b) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

**2.** Subsection 2 of section 3 of *The Blind Persons' Allowances Act, 1951* is repealed. 1951 (2nd Sess.), c. 1, s. 3, subs. 2, repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1958*. Short title





## CHAPTER 7

**An Act to amend The Cancer Act, 1957**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Cancer Act, 1957* is 1957, c. 6, s. 2, subs. 3, re-enacted repealed and the following substituted therefor:

(3) Five of the members of the Foundation constitute Quorum a quorum for the transaction of business.

**2.** Subsection 3 of section 17 of *The Cancer Act, 1957* is 1957, c. 6, s. 17, subs. 3, re-enacted repealed and the following substituted therefor:

(3) Five of the members of the Institute constitute a Quorum quorum for the transaction of business.

**3.** This Act comes into force on the day it receives Royal Commence- Assent.  
ment

**4.** This Act may be cited as *The Cancer Amendment Act*, Short title 1958.



## CHAPTER 8

## An Act to amend The Cemeteries Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 33 of *The Cemeteries Act* is R.S.O. 1950, amended by inserting after "criminal" in the third line <sup>c. 46, s. 33, subs. 2,</sup> "investigation or", so that the subsection shall read as follows: <sup>amended</sup>

- (2) Where the Attorney-General deems it expedient for <sup>Attorney-General's order</sup> the purpose of an inquiry as to the cause of death or for the purpose of any criminal investigation or proceeding that a body should be disinterred, he may exercise the powers mentioned in subsection 1.

**2.** This Act may be cited as *The Cemeteries Amendment* <sup>Short title</sup> *Act, 1958.*





## CHAPTER 9

## An Act to provide for the Certification of Titles of Lands

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) This Act shall be administered by the director of titles appointed under *The Land Titles Act*. Administration  
R.S.O. 1950  
c. 197

(2) In the administration of this Act, the deputy director of titles appointed under *The Land Titles Act* shall act under the supervision of the director of titles. Idem

(3) In the absence of the director of titles or if the office of director of titles is vacant, the deputy director of titles shall act as director of titles for the purposes of this Act and while so acting he shall have and may exercise and perform all or any of the powers and duties of the director of titles under this Act. 1957, c. 8, s. 1, *amended*. Idem

**2.** The Lieutenant-Governor in Council may appoint one or more assistant deputy directors of titles and one or more title examiners for the purposes of this Act. *New*. Assistants  
and  
examiners

**3.** The director of titles has and may exercise in connection with his functions under this Act all of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1957, c. 8, s. 3, *amended*. Powers of  
director  
R.S.O. 1950  
c. 308

**4.** The director of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve. 1957, c. 8, s. 2, *amended*. Seal

**5.** This Act does not apply to land registered under *The Land Titles Act*. 1957, c. 8, s. 4. Where Act  
not to apply

**6.**—(1) An owner of an estate in fee simple in land to which this Act applies, whether or not the land is encumbered, may apply to the director of titles to have the title to the Application  
for certi-  
fication

land

land investigated and certified under this Act. 1957, c. 8, s. 6 (1), *amended*.

Supporting  
material

(2) An application under subsection 1 shall be accompanied by the prescribed deposit and shall be supported by,

(a) a statement under oath of the applicant,

(i) that to the best of his knowledge and belief he is the owner of the estate or interest claimed subject only to the encumbrances, easements and encroachments set forth in the application or that there are no encumbrances, easements or encroachments affecting the land, as the case may be, and that he is not aware of the existence of any other claim adverse to or inconsistent with his own to any part of the land or to any interest therein or that he is aware of such an adverse claim, in which case he shall set forth every such adverse claim and the particulars thereof,

(ii) where a person other than the applicant is in possession of the land, setting forth under what claim, right or title such person is in possession, and

(iii) setting forth such other facts as in his opinion may be of assistance to the director of titles in ascertaining the validity of his title;

(b) a plan of survey of the land prepared by an Ontario land surveyor;

(c) a statement under oath by the Ontario land surveyor who prepared the plan of survey, verifying the description of the land, identifying it with the plan of survey, stating the names of the persons in actual occupation of the land or any part thereof, describing the nature of the buildings on the land, and stating the nature and identifying any easements or encroachments apparent on his examination of the surface of the land or of which he has knowledge;

(d) the title documents, if any, of the land and any other evidences of title available to the applicant;

(e) an abstract of the title to the land, certified by the registrar of the registry division in which the land is situate, showing a good and sufficient forty-year

chain

chain of title immediately preceding the date of the application;

- (f) a typewritten abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor together with the certificate of such solicitor that he has investigated the title and believes the applicant to be the owner of the estate that he claims in the land subject only to any encumbrance set forth in the application and that he has conferred with the applicant on the matters set forth in the statement mentioned in clause *a* and that he believes the statement to be true;
- (g) a certificate of the sheriff of the county or district in which the land is situate showing that there are no writs of execution or extent or liens in his hands against any person having an interest in the land as ascertained by the applicant from the registrar's abstract and the investigation of the title and showing that he has not sold any land under any writ against such person within the six months next preceding the date of the certificate;
- (h) a certificate of the treasurer of the municipality in which the land is situate that all municipal taxes for which the land is liable, except those for the then current year, have been paid in full;
- (i) a certificate of the Registrar in Bankruptcy of the Supreme Court of Ontario that the name of the applicant does not appear in the index book kept pursuant to section 167 of the *Bankruptcy Act* <sup>R.S.C. 1952, c. 14</sup> (Canada);
- (j) a statement of the Treasurer of Ontario that he does not claim a lien for taxes payable under *The Corporations Tax Act, 1957* or any predecessor thereof <sup>1957, c. 17</sup> by any corporation that appears to have had any interest in the land before the date of the filing of the application;
- (k) evidence of the consent of the Treasurer of Ontario to the transfer of an interest in land consequent upon the death of a person on or after the 1st day of January, 1930, where such person appears from the solicitor's abstract mentioned in clause *f* to have had an interest in the land. 1957, c. 8, s. 6 (2), *amended*.

Further  
material

(3) The director of titles may at any time require an applicant to furnish such additional or other information or material as he may specify. *New.*

Notice of  
application

7. Upon the filing of an application, the director of titles shall cause such notice thereof as he deems proper,

(a) to be registered in the registry office of the registry division in which the land is situate;

(b) to be published in a newspaper having general circulation in the locality in which the land is situate; and

(c) to be posted in a conspicuous place on the land and in such other places as he deems proper. 1957, c. 8, s. 7, *amended.*

Adverse  
claim

8.—(1) Any person having an adverse claim or a claim inconsistent with the claim set out in an application may file a statement under oath of his claim with the director of titles at any time before the certificate of title is executed.

Idem

(2) Where a claim adverse to or inconsistent with the claim set out in an application is filed, the director of titles may dispose of the issue or he may refer the matter to a judge of the Supreme Court who shall hear and determine the matter on the evidence before him or may direct the trial of an issue. 1957, c. 8, s. 8, *amended.*

Findings  
to be set  
out in  
writing

9.—(1) When the director of titles has completed his investigation and any issue referred to a judge is finally disposed of, the director of titles shall set out his findings in writing. 1957, c. 8, s. 9 (1, 2), *amended.*

Copies to  
be sent to  
interested  
parties

(2) A copy of the written findings of the director of titles shall be sent by registered mail by the director of titles to the applicant and to every person who has filed a claim adverse to or inconsistent with the claim set out in the application.

Appeal

(3) Any person aggrieved by the written findings of the director of titles may within fifteen days after the date of the mailing of the copies under subsection 2 appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or he may direct the trial of an issue.

Disposition  
of appli-  
cation

(4) When the period of fifteen days mentioned in subsection 3 has elapsed and no appeal has been taken or, if taken, has been disposed of, the director of titles may make a certificate of title or dismiss the application, as the case may be. 1957, c. 8, s. 9 (3-5), *amended.*



(5) A certificate of title shall bear the signature and seal<sup>signature and seal</sup> of the director of titles. 1957, c. 8, s. 11, *part, amended*.

**10.** Where the director of titles is able to give a certificate<sup>Certificate to part of land</sup> of title to part only of the land mentioned in the application, the application may be amended accordingly. 1957, c. 8, s. 10, *amended*.

**11.** The director of titles may order an applicant or any person who has filed a claim adverse to or inconsistent with the claim set out in the application to pay the costs or part of the costs of any proceedings before him or investigations by him and may direct that the same be taxed by the taxing officer of the Supreme Court having jurisdiction where the land is situate. 1957, c. 8, s. 20, *amended*.

**12.** A certificate of title shall be registered by the director<sup>Registration of certificate</sup> of titles in the registry office of the registry division in which the land is situate. 1957, c. 8, s. 11, *part, amended*.

**13.** Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the title of the owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the qualifications mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act. 1957, c. 8, s. 13, *amended*.

**14.—(1)** No plan of subdivision of land to which this Act applies and which is in a certification area shall be registered unless the title of the owner of the land has been certified under this Act. 1957, c. 8, s. 5 (2), *amended*.

(2) Subsection 1 does not apply to a plan of subdivision,<sup>Where subsection 1 not to apply</sup>

(a) where the land shown thereon is owned by the Crown or by any agency of the Crown;

(b) where the land shown thereon is owned by The Hydro-Electric Power Commission of Ontario;

(c) where the land shown thereon is owned by a municipality or by any local board as defined in *The Department of Municipal Affairs Act*;<sup>R.S.O. 1950, c. 96</sup>

(d) where the land shown thereon is owned by a board of harbour commissioners;

(e)

R.S.O. 1950,  
c. 336

(e) prepared under *The Registry Act* and commonly known as a "judge's plan"; or

(f) which is a subdivision of a plan that was registered before the area in which the land is situate was designated as a certification area and in which no land has been sold, or, whether or not land has been sold, the changes to be effected by the re-subdivision are, in the opinion of the director of titles, of a minor nature. *New.*

Assurance  
fund

**15.**—(1) An assurance fund shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act.

Constitution  
of fund

(2) In order to constitute such a fund, every applicant shall pay on the making of a certificate of title under this Act, in addition to all other fees, an amount of money equal to one-tenth of 1 per cent of the value of the land described in the certificate.

Buildings

(3) Where there are buildings on the land, the value of the land shall include the value of the buildings.

Maximum  
payment

(4) Where the amount calculated under subsection 2 exceeds \$300, the amount payable is \$300.

Valuation  
of land

(5) The value of the land shall be ascertained as of the date of the application by the oath of the applicant.

Proof of  
value

(6) If the director of titles is not satisfied as to the correctness of the value stated by the oath of an applicant he may require the affidavit in that behalf of a valuator and such affidavit is conclusive.

Applicant  
may be  
required to  
indemnify  
fund

(7) The director of titles may require an applicant to indemnify the assurance fund against loss by a bond or covenant to Her Majesty either with or without sureties or by such other security as he considers proper.

Money to  
be paid  
into court

(8) The moneys payable under this section shall be paid into the Supreme Court with the privity of the accountant of the court and shall be placed to the credit of an account entitled "Assurance Fund under *The Certification of Titles Act, 1958*" and, subject to subsection 9, shall be invested from time to time under the direction of the Finance Committee of the Supreme Court and such of the interest and income derived therefrom shall be credited to the same account as the Finance Committee of the Supreme Court from time to time determines.

(9) The moneys in court at the credit of the assurance fund shall on his demand be paid to the Treasurer of Ontario. Payment out of fund  
1957, c. 8, s. 14, *amended*.

**16.**—(1) If a person is wrongfully deprived of an estate or interest in land by reason of its title having been certified under this Act and he satisfies the Inspector of Legal Offices that he is unable to recover just compensation, he is entitled to have the same paid out of the assurance fund so far as the assurance fund is sufficient for that purpose having regard to any other charges thereon if he makes a claim therefor to the Inspector of Legal Offices within six years from the time of his having been so deprived or, in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased. Assurance fund to compensate person wrongfully deprived  
1957, c. 8, s. 15 (1), *amended*.

(2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the value of the land shall not be taken at a greater amount than 800 times the amount paid into the assurance fund in respect of the land under section 15. Mining lands *New*.

(3) The liability of the assurance fund for compensation and the amount of compensation shall, subject to appeal to a judge of the Supreme Court, be determined by the Inspector of Legal Offices. How compensation to be determined

(4) The Inspector of Legal Offices shall certify to the Treasurer of Ontario any amount found to be payable under this section, and upon receipt of the certificate the Treasurer shall pay the amount to the person entitled thereto. Payment

(5) The costs of the proceedings under this section shall be in the discretion of the Inspector of Legal Offices or the court, as the case may be. Costs 1957, c. 8, s. 15 (2-4), *amended*.

**17.** Proceedings under this Act shall not abate or be suspended by any death or change of interest, but in any such event the director of titles may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings or otherwise as he deems proper. Where death or change of interest occurs 1957, c. 8, s. 19, *amended*.

**18.** The Lieutenant-Governor in Council may make Regulations regulations,

(a) prescribing the deposit to be made on applications;

(b)

- (b) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) prescribing forms and providing for the use thereof;
- (d) designating certification areas for the purposes of subsection 1 of section 14;
- (e) prescribing the powers and duties of title examiners under this Act;
- (f) prescribing a code of standards and procedures for surveys made for the purpose of this Act;
- (g) prescribing administrative procedures for the purpose of this Act;
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1957, c. 8, s. 21, *amended*.

1957, c. 8,  
repealed

**19.** *The Certification of Plans of Subdivision Act, 1957* is repealed.

Commence-  
ment

**20.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**21.** This Act may be cited as *The Certification of Titles Act, 1958*.



## CHAPTER 10

# **An Act to amend The Charitable Institutions Act, 1956**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 10 of *The Charitable Institutions Act, 1956* <sup>1956, c. 6, s. 10, amended</sup> is amended by inserting after “institution” in the third line <sup>amended</sup> “that is specified in the regulations as a children’s institution”, so that subsection 1 of the said section shall read as follows:

(1) There shall be paid out of such moneys as are <sup>Provincial subsidy on operating costs, children’s institutions</sup> appropriated therefor by the Legislature to every charitable organization operating a charitable institution that is specified in the regulations as a children’s institution an amount of \$8 per month for each person resident in the institution to be computed in accordance with the regulations.

(2) The said section 10 is further amended by adding <sup>1956, c. 6, s. 10, amended</sup> thereto the following subsection:

(2) There shall be paid out of such moneys as are <sup>other institutions</sup> appropriated therefor by the Legislature to every charitable organization operating a charitable institution that is specified in the regulations, other than an institution that is specified in the regulations as a children’s institution, an amount equal to 75 per cent of the amount paid by the charitable organization for the maintenance of each person resident in the institution to be computed in accordance with the regulations.

**2.** Clause *j* of section 13 of *The Charitable Institutions Act, 1956* <sup>1956, c. 6, s. 13, cl. *j*, amended</sup> is amended by striking out “purpose” in the first line <sup>amended</sup> and inserting in lieu thereof “purposes of subsections 1 and 2”, so that the clause shall read as follows:

(*j*)



- (j) prescribing for the purposes of subsections 1 and 2 of section 10 the manner of computing the amount of the grants payable thereunder.

Commence-  
ment

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

**4.** This Act may be cited as *The Charitable Institutions Amendment Act, 1958*.

## CHAPTER 11

**An Act to amend The Child Welfare Act, 1954**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Subsection 3 of section 16 of *The Child Welfare Act*, 1954, c. 8, s. 16, subs. 3, 1954, as re-enacted by subsection 1 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out <sup>(1956, c. 8, s. 4, subs. 1), amended</sup> "district welfare supervisor or district welfare administrator" in the seventh and eighth lines and inserting in lieu thereof "regional welfare administrator".

(2) Subsection 4a of the said section 16, as enacted by <sup>1954, c. 8, s. 16, subs. 3</sup> subsection 2 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out <sup>subs. 4a (1956, c. 8, s. 4, subs. 2), amended</sup> "district welfare supervisor or district welfare administrator" in the fourth and fifth lines and inserting in lieu thereof "regional welfare administrator".

(3) Clause *d* of subsection 8 of the said section 16 is repealed <sup>1954, c. 8, s. 16, subs. 8, cl. d, re-enacted</sup> and the following substituted therefor:

(*d*) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child so long as the child remains in the care and custody of the society,

(i) where the child is a child mentioned in section 15, from the day he was detained in a place of safety, or

(ii) where the child is a child mentioned in section 15a, from the day he was taken into the care and custody of the children's aid society,

but in no case shall that day be more than ten days before the child was brought before the judge as an apparently neglected child.

(4)

1954, c. 8,  
s. 16, subs. 9,  
re-enacted

(4) Subsection 9 of the said section 16 is repealed and the following substituted therefor:

Order where  
child not  
neglected

- (9) Where the judge finds a child mentioned in section 15 not to be a neglected child, he shall make an order that the municipality to which the child belongs pay the rate in respect of the child for the period of the child's detention in a place of safety, but in no case shall the order be made for a period of more than ten days.

1954, c. 8,  
s. 16,  
subs. 13,  
re-enacted

(5) Subsection 13 of the said section 16, as amended by subsection 5 of section 4 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor:

Re-opening  
of  
temporary  
commitment

- (13) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is or a further order under subsection 7 or an order or further order under subsection 8, but in no case shall an order be made at any time that results in the temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

1954, c. 8,  
s. 16,  
subs. 17,  
amended

(6) Subsection 17 of the said section 16, as amended by subsection 7 of section 4 of *The Child Welfare Amendment Act, 1956*, is further amended by striking out "child" in the amendment of 1956 and inserting in lieu thereof "ward", so that the subsection shall read as follows:

Extension  
of  
wardship

- (17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years, and, notwithstanding clause *d* of subsection 8, in any such order the judge shall

relieve

relieve any municipality paying the rate in respect of the ward from liability for the rate during the extended period of wardship.

2. Clause *c* of section 56 of *The Child Welfare Act, 1954*, <sup>1954, c. 8,</sup> as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, <sup>s. 56 (1956,</sup> is amended by inserting after "execution" in the <sup>cl. c,</sup> third line "garnishee proceedings", so that the clause shall <sup>amended</sup> read as follows:

- (c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishee proceedings, or judgment summons, *inter alia*, may be used to enforce the order.

3. Part IV of *The Child Welfare Act, 1954*, as amended by <sup>1954, c. 8,</sup> section 12 of *The Child Welfare Amendment Act, 1956* and <sup>Part IV,</sup> section 20 of *The Child Welfare Amendment Act, 1957*, is <sup>ss. 65-78,</sup> repealed and the following substituted therefor: <sup>re-enacted;</sup> <sup>ss. 79-84,</sup> <sup>repealed</sup>

## PART IV

### ADOPTION

60. In this Part, "child" means a person under or over <sup>Interpre-</sup> twenty-one years of age. <sup>tation</sup>

61.—(1) The Supreme Court or the county or district court <sup>Jurisdiction</sup> of the county or district in which either the applicant or the <sup>of courts</sup> child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

(2) An application for an adoption order shall be heard <sup>Application</sup> and determined in chambers. <sup>to be heard</sup> <sup>in chambers</sup>

(3) Where an application for an adoption order is not <sup>State</sup> heard by the court within the twelve months next following <sup>applications</sup> the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

(4) For the purpose of an application for an order for the <sup>Guardian</sup> adoption of a child under twenty-one years of age, the court <sup>ad litem</sup> may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed.

Where order  
may be  
made

62. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario.

Where order  
may not  
be made

63.—(1) The court shall not make an adoption order,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the child sought to be adopted;
- (b) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

Adoption  
by more  
than one  
person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of  
adopting  
spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

Child over  
21 or under  
21 and  
married

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Consents,  
where child  
born in  
wedlock

64.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child.

Idem,  
where child  
born out  
of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother given after the child was seven days old, and, where the child resides with and is maintained by the father,

with



with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect.

(3) An order for the adoption of a child who is committed permanently to the care and custody of a children's aid society shall be made only with the written consent of the society, in which case no other consent is required. Idem, permanent ward of children's aid society

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. Idem, child over 21 or under 21 and married

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with. Where consent not given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. Where consent given

65. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 64. Affidavit of execution

66.—(1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate

(a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justify the making of the order; or

(b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with.

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. Local director's certificate

Duty of  
court

67. The court before making an adoption order shall be satisfied,

- (a) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and
- (b) that the order will be in the best interests of the child.

Surname

68.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given  
name

(2) In and by an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent may desire, and thereafter the adopted child is entitled to and is to be known by the name or names so given.

Born out  
of wedlock  
not to  
appear

69. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order.

Papers to  
be sealed up

70. The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection save upon an order of the court or the written direction of the Director.

Trans-  
mission  
of order

71. Within ten days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

- (a) the original order to the adopting parent;
- (b) one certified copy to the Director; and
- (c) one certified copy to the Registrar-General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar-General.

Interim  
order

72.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

(2) An interim custody order is not an adoption order. Idem

(3) All consents required for an adoption order are necessary Consents for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, Residence outside Ontario the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 66.

73. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. Effect of order on previous adoption

74.—(1) For all purposes the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. Status of adopted child

(2) For all purposes the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. Idem

(3) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1 and 2. Idem

(4) Subsections 2 and 3 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity which, but for this section, would have existed. Exception

75. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. Status of persons heretofore adopted

76.—(1) Where duty is levied under *The Succession Duty Act* on the death of an adopted child, Succession duty  
R.S.O. 1950,  
c. 378

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

(b)

- (b) on the adopting parent or the kindred of the adopting parent,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem

R.S.O. 1950,  
c. 378

- (2) Where duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

- (a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

- (b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Registration  
of  
placement

77.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that such other person will adopt the child shall, within thirty days after the day on which the child is so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he may require and shall forthwith transmit such information to the Director together with its opinion as to the suitability of the placement.

Offence  
and  
penalty

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a fine of not more than \$100.

Penalty  
for pay-  
ments in  
connection  
with  
adoptions

78. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three years, or both.

4. Part IV of *The Child Welfare Act, 1954*, as re-enacted by section 3 of this Act, applies to adoption proceedings begun on or after the day that section comes into force and any adoption proceedings that were begun but not ended before that day shall be taken up and continued under and in conformity with the provisions so re-enacted, so far as consistently may be.

Application  
of new  
Part IV

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

6. This Act may be cited as *The Child Welfare Amendment Act, 1958*.

Short title





## CHAPTER 12

**An Act to amend The Conditional Sales Act**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 14 of *The Conditional Sales Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 61, s. 14, re-enacted

14.—(1) Where a seller or lender or his assignee, personal representative or agent is a corporation, any officer, employee or agent of the corporation may make any verifying affidavit or sign any notice or renewal statement under this Act on behalf of the corporation. Affidavits, notice or statements in case of a corporation

(2) Where a verifying affidavit is made on behalf of a corporation, it shall state that the deponent has personal knowledge of the facts therein deposed to. Contents of affidavit by a corporation

**2.** This Act may be cited as *The Conditional Sales Amendment Act, 1958*. Short title



## CHAPTER 13

**An Act to amend The Coroners Act**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Coroners Act*, as amended by section 1 <sup>R.S.O. 1950,</sup> of *The Coroners Amendment Act, 1954* and section 1 of *The* <sup>c. 70, s. 3,</sup> *Coroners Amendment Act, 1957*, is further amended by adding thereto the following subsection:

(4) The corporation of a city may appoint one or more <sup>Technicians</sup> persons as technicians to assist the coroners for the city in the performance of their duties.

**2.** This Act shall be deemed to have come into force <sup>on Commence-</sup> the 1st day of January, 1958. <sup>ment</sup>

**3.** This Act may be cited as *The Coroners Amendment Act*, <sup>Short title</sup> 1958.





## CHAPTER 14

**An Act to amend  
The Corporations Act, 1953**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 325 of *The Corporations Act, 1953* is amended<sup>1953, c. 19,  
s. 325,  
amended</sup> by adding thereto the following subsection:

- (3) Where a corporation has been or is dissolved under subsection 2, the Lieutenant-Governor, on the application of any interested person made within three years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

**2.** Class 8 of section 343 of *The Corporations Act, 1953* is<sup>1953, c. 19,  
s. 343,  
Class 8,  
re-enacted</sup> repealed and the following substituted therefor:

Class 8. Corporations within the meaning of sections 7, 8, 9, 10 and 11 of *The Corporations Tax Act, 1957*.<sup>1957, c 17</sup>

**3.** This Act, except section 2, comes into force on the day<sup>Commence-  
ment</sup> it receives Royal Assent.

**4.** This Act may be cited as *The Corporations Amendment Act, 1958*.<sup>Short title</sup>



## CHAPTER 15

**An Act to amend  
The Corporations Information Act, 1953**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 9 of section 3 of *The Corporations Information Act, 1953* is amended by striking out “section 121 of *The Companies Act, 1934* (Canada) may deliver to” in the second and third lines and inserting in lieu thereof “section 125 of the *Companies Act* (Canada) may file with”, so that the subsection shall read as follows:

(9) Any corporation required to file a summary under section 125 of the *Companies Act* (Canada) may file with the Provincial Secretary a duplicate of such summary, signed and verified as prescribed in that section, in lieu of the return required by subsection 1, and shall pay the fee prescribed for such return.

(2) Subsection 10 of the said section 3 is amended by striking out “delivering” in the second line and inserting in lieu thereof “filing”, so that the subsection shall read as follows:

(10) The Provincial Secretary may in his discretion enlarge the time for filing any such return or summary and may grant an exemption in whole or in part from the payment of the fee.

**2.** This Act may be cited as *The Corporations Information Amendment Act, 1958*.



## CHAPTER 16

## An Act to amend The Corporations Tax Act, 1957

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 1 of *The Corporations Tax Act*, 1957, c. 17, s. 1, subs. 3, 1957 is amended by striking out "4" in the first line and amended inserting in lieu thereof "5".

**2.—(1)** Subsection 1 of section 2 of *The Corporations Tax Act*, 1957, c. 17, s. 2, subs. 1, 1957 is amended by striking out "and land" in the fourth amended line.

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: 1957, c. 17, s. 2, subs. 2, re-enacted

(2) Where a corporation carries on business through an *idem* employee or agent who has general authority to contract for the corporation or who has a stock of merchandise owned by the corporation from which he regularly fills orders which he receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

(3) Subsection 6 of the said section 2 is amended by insert- 1957, c. 17, s. 2, subs. 6, amended ing after "shall" in the second line "not".

(4) Subsection 7 of the said section 2 is repealed and the following substituted therefor: 1957, c. 17, s. 2, subs. 7, re-enacted

(7) Where a corporation, otherwise having a permanent *idem* establishment in Canada, owns land in a province, such land is a permanent establishment.

(5) Subsection 10 of the said section 2 is repealed. 1957, c. 17, s. 2, subs. 10, repealed

**3.—(1)** Subsection 6 of section 4 of *The Corporations Tax Act*, 1957, c. 17, s. 4, subs. 6, 1957 is repealed and the following substituted therefor: re-enacted



Gross  
revenue  
attributable  
to a  
permanent  
establish-  
ment

(6) For the purpose of subsection 5 of this section and subsection 5 of section 5,

- (a) except as provided in clause *c*, where the destination of a shipment of merchandise to a customer to whom the merchandise is sold is in a jurisdiction in which the corporation making the sale has a permanent establishment, the gross revenue derived therefrom is attributable to that permanent establishment;
- (b) except as provided in clause *c*, where the destination of a shipment of merchandise to a customer to whom the merchandise is sold is in a jurisdiction in which the corporation making the sale has no permanent establishment, the gross revenue derived therefrom is attributable to the permanent establishment to which the person negotiating the sale may reasonably be regarded as being attached;
- (c) for the purposes of clauses *a* and *b*, where a customer to whom merchandise is sold instructs that shipment thereof be made to another person, the destination of the shipment of the merchandise shall be deemed to be in the jurisdiction in which the permanent establishment of the customer negotiating the purchase of the merchandise is situated;
- (d) where services are performed by a corporation in a jurisdiction in which the corporation has a permanent establishment, the gross revenue derived therefrom is attributable to that permanent establishment;
- (e) where services are performed by a corporation in a jurisdiction in which the corporation has no permanent establishment, the gross revenue derived therefrom is attributable to the permanent establishment to which the person negotiating the contract may reasonably be regarded as being attached;
- (f) where standing timber or the right to cut standing timber is sold, the gross revenue derived therefrom is attributable to the permanent establishment that includes the timberlands on which the timber is standing; and

(g)

- (g) where land is a permanent establishment, the gross revenue derived therefrom is attributable to that permanent establishment.

- (6a) For the purposes of subsections 5, 11, 23, 24, 25<sup>Fees to be deemed salary</sup> and 26 of this section and corresponding subsections of section 5, where a corporation pays a fee to a person under an agreement pursuant to which the person or employees of that person perform services for the corporation that would normally be performed by employees of the corporation, the fee so paid shall be deemed to be salary paid in the fiscal year by the corporation and that part of the fee that may reasonably be regarded as payment in respect of services rendered at a particular permanent establishment of the corporation shall be deemed to be salary paid to an employee of that permanent establishment.

- (6b) For the purpose of subsection 6a, a fee does not<sup>Exception</sup> include a commission paid to a person who is not an employee of the corporation.

(2) Subsection 26 of the said section 4 is repealed and the<sup>1957, c. 17, s. 4, subs. 26, re-enacted</sup> following substituted therefor:

- (26) Notwithstanding subsection 5, the amount of taxable income of a corporation, the chief business of which<sup>Navigation companies, allocation of taxable income</sup> is the operation of ships, that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is the aggregate of,

(a) that portion of its allocable income for the fiscal year that the port-call-tonnage in that province or territory of Canada is of the port-call-tonnage in Canada; and

(b) if its taxable income for the fiscal year exceeds its allocable income for the fiscal year, that portion of the excess that the aggregate of the salaries and wages paid in the fiscal year by the corporation to employees of any permanent establishment, other than a ship, in that province or territory of Canada, is of the aggregate of salaries and wages paid in the fiscal year by the corporation to employees of permanent establishments, other than ships, in Canada.

- (26a) For the purpose of subsection 26,

<sup>Interpretation</sup>

- (a) "allocable income for the fiscal year" means that portion of the taxable income of the

corporation

corporation for the fiscal year that the port-call-tonnage in Canada is of the total port-call-tonnage;

- (b) "port-call-tonnage in Canada" means the aggregate of the products obtained by multiplying, for each ship operated by the corporation, the number of calls made in the fiscal year by that ship at ports in Canada by the number of tons of the registered net tonnage of that ship;
- (c) "port-call-tonnage in that province or territory of Canada" means the aggregate of the products obtained by multiplying, for each ship operated by the corporation, the number of calls made in the fiscal year by that ship at ports in that province or territory of Canada by the number of tons of registered net tonnage of that ship; and
- (d) "total port-call-tonnage" means the aggregate of the products obtained by multiplying, for each ship operated by the corporation, the number of calls made in the fiscal year by that ship at ports anywhere by the number of tons of the registered net tonnage of that ship.

1957, c. 17,  
s. 4,  
amended

(3) The said section 4 is amended by adding thereto the following subsections:

Special  
allocation  
formula

- (28a) Where a corporation has a permanent establishment in Ontario and a permanent establishment within a jurisdiction outside Canada and where the corporation is subject to taxation in that jurisdiction on a portion of its taxable income that is different from the portion that would pertain if subsections 5 to 28 of section 4 were applied because of a convention or a treaty for the avoidance of double taxation between Canada and that jurisdiction, this section applies as though that portion of the taxable income of the corporation remaining after deducting therefrom the portion thereof that is allocable to that jurisdiction in accordance with such convention or treaty were the total taxable income of the corporation and the allocation of such reduced taxable income in accordance with subsections 5 to 28 were based on the respective amounts referred to therein that

relate

relate exclusively to the permanent establishments and activity of the corporation in the provinces and territories of Canada.

- (28b) Where a corporation, the chief place of business of <sup>Idem</sup> which is in a jurisdiction outside Canada with which Canada has no convention or treaty for the avoidance of double taxation, has a permanent establishment in Ontario, this section applies as though the portion of the taxable income of the corporation which is subjected to taxation under section 31 of the *Income Tax Act* (Canada) were the total taxable income of the corporation and the allocation of such reduced taxable income in accordance with subsections 5 to 28 were based on the respective amounts referred to therein that relate exclusively to the permanent establishments and activity of the corporation in the provinces and territories of Canada. <sup>R.S.C. 1952, c. 148</sup>

- (28c) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal <sup>Foreign tax credits</sup> year in the form of dividends, interest, rents or royalties, which were derived from sources within a jurisdiction outside Canada in which the corporation has no permanent establishment and where such jurisdiction has imposed a tax on such income and where the corporation is entitled to a deduction from tax (hereinafter in this subsection referred to as "foreign tax credit") under section 41 of the *Income Tax Act* (Canada) with respect to the tax paid on such income to such jurisdiction, the corporation may deduct from the tax otherwise payable under section 4 an amount equal to the lesser of,

- (a) 9 per cent of the portion of such income that is subject to tax under subsection 1 of section 4 after the deductions provided by subsection 2 of section 4 have been made; or
- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that would be allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

- (i) the amount of the provincial tax abatement allowed under section 40 of the



R.S.C. 1952,  
c. 148

*Income Tax Act* (Canada) with respect to income of the corporation earned in Ontario measured in accordance with subsection 2 thereof,

bears to,

- (ii) the amount of the provincial tax abatement allowed under section 40 of the *Income Tax Act* (Canada) with respect to all income of the corporation subject to such abatement.

Special  
provincial  
abatement

(28*d*) Where a province other than Ontario imposes a tax of general application on corporations as a percentage of net income and allows an abatement of such tax on a portion of net income deemed to have been earned in another jurisdiction and such portion is different from the portion that would apply if it were measured pursuant to subsections 3 to 28*c* and where a corporation is taxable on net income under the taxing Act of that province and on taxable income under this Act, the deduction provided by subsection 2,

(*a*) shall be reduced by the amount by which the amount of tax, if such tax were calculated at the rate of 9 per cent for the full fiscal year on the taxable income as determined under this Act, that would remain to be paid to that province after abatement of portions of such tax measured in accordance with the abatement provisions of the taxing Act of that province and regulations thereunder on portions of such taxable income that would be deemed to have been earned in jurisdictions outside that province is less than the amount of the tax abatement to that province that would apply under subsection 2 measured in accordance with subsections 3 to 28*c* if the rate of abatement under that subsection were 9 per cent; or

(*b*) shall be increased by the amount by which the amount of tax, if such tax were calculated at the rate of 9 per cent for the full fiscal year on the taxable income as determined under this Act, that would remain to be paid to that province after abatement of portions of such tax measured in accordance with the

abatement



abatement provisions of the taxing Act of that province and regulations thereunder on portions of such taxable income that would be deemed to have been earned in jurisdictions outside that province is more than the amount of tax abatement to that province that would apply under subsection 2 measured in accordance with subsections 3 to 28*c* if the rate of abatement under that subsection were 9 per cent.

(4) Subsection 29 of the said section 4 is amended by adding thereto the following clause:

1957, c. 17,  
s. 4,  
subs. 29,  
amended

(*ee*) a corporation that was constituted exclusively for the purpose of providing low-cost housing accommodation for the aged, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.

Housing  
for aged

4.—(1) Subsection 1 of section 5 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

1957, c. 17,  
s. 5,  
subs. 1,  
re-enacted

(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-twentieth of 1 per cent calculated on its taxable paid-up capital.

Rate of  
general  
capital tax

(2) The said section 5 is further amended by adding thereto the following subsections:

1957, c. 17,  
s. 5,  
amended

(1*a*) The tax imposed by this section is not payable by any corporation that would be liable to a tax under section 7, 8, 9, 10, 11 or 13 if it were not for the provisions of section 12.

Exceptions

. . . . .

(5*a*) Notwithstanding subsection 5, the amount of taxable paid-up capital of a trust and loan corporation or a trust corporation or a loan corporation that shall be deemed to have been used in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable paid-up capital that the gross revenue of its permanent establishments in that jurisdiction for the fiscal year is of the total gross revenue for the fiscal year of the corporation.

Trust and  
loan  
corporations,  
allocation of  
taxable  
paid-up  
capital

Interpre-  
tation

- (5b) For the purpose of subsection 5a, the provisions of subsection 16 of section 4 apply *mutatis mutandis*.

Grain  
elevator  
operators,  
allocation of  
taxable  
paid-up  
capital

- (5c) Notwithstanding subsection 5, the amount of taxable paid-up capital of a corporation, the chief business of which is the operation of grain elevators, that shall be deemed to have been used in a fiscal year in a jurisdiction outside Ontario is one-half the aggregate of,

- (a) that proportion of its taxable paid-up capital that the number of bushels of grain received in the fiscal year in the elevators operated by the corporation in that jurisdiction is of the total number of bushels of grain received in the fiscal year in all the elevators operated by the corporation; and
- (b) that proportion of its taxable paid-up capital that the aggregate of salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

Bus and  
truck  
operators,  
allocation of  
taxable  
paid-up  
capital

- (5d) Notwithstanding subsection 5, the amount of taxable paid-up capital of a corporation, the chief business of which is the transportation of goods and passengers, other than by the operation of a railway, steamship or airline service, that shall be deemed to have been used in a fiscal year in a jurisdiction outside Ontario is one-half the aggregate of,

- (a) that proportion of its taxable paid-up capital that the number of miles travelled by its vehicles in that jurisdiction in the fiscal year is of the total number of miles travelled by its vehicles in the fiscal year; and
- (b) that proportion of its taxable paid-up capital that the aggregate of salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

Pipeline  
operators,  
allocation  
of taxable  
paid-up  
capital

- (5e) Notwithstanding subsection 5, the amount of taxable paid-up capital of a corporation, the chief business

of which is the operation of a pipeline for oil, gas or water, that shall be deemed to have been used in a fiscal year in a province or territory of Canada outside Ontario is one-half the aggregate of,

- (a) that proportion of its taxable paid-up capital that the number of miles of pipe of the corporation in that province or territory of Canada is of the number of miles of pipe of the corporation in Canada; and
  - (b) that proportion of its taxable paid-up capital that the aggregate of the salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that province or territory of Canada is of the aggregate of all salaries and wages paid in all its permanent establishments in Canada in the fiscal year by the corporation.
- (5f) Notwithstanding subsection 5, the amount of taxable paid-up capital of a corporation, the chief business of which is operating ships, that shall be deemed to have been used in a fiscal year in a province or territory of Canada outside Ontario is the aggregate of, Navigation companies, allocation of taxable paid-up capital
- (a) that portion of its allocable paid-up capital that the port-call-tonnage in that province or territory of Canada is of the port-call-tonnage in Canada; and
  - (b) if its taxable paid-up capital exceeds its allocable paid-up capital, that portion of the excess that the aggregate of the salaries and wages paid in the fiscal year by the corporation to employees of any permanent establishment, other than a ship, in that province or territory of Canada is of the aggregate of salaries and wages paid in the fiscal year by the corporation to employees of permanent establishments, other than ships, in Canada.
- (5g) For the purpose of subsection 5f, "allocable paid-up capital" means that portion of taxable paid-up capital of the corporation that the port-call-tonnage in Canada is of the total port-call-tonnage, and clauses *b*, *c* and *d* of subsection 26*a* of section 4 apply *mutatis mutandis*. Interpretation

1957, c. 17,  
s. 6,  
amended

**5.** Section 6 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

Special  
business  
tax

(1a) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which merely holds assets in Ontario or which merely maintains in Ontario an office solely for the purchase of merchandise or which merely holds a charter that designates the head office of the corporation as being in Ontario or which, being a corporation incorporated under legislation of any jurisdiction other than Ontario, is required, in order to hold land in Ontario, to be licensed under *The Mortmain and Charitable Uses Act* and merely possesses such a licence or which, in order to have the right to carry on business in Ontario, is required to be licensed under Part IX of *The Corporations Act, 1953* and merely holds a licence under that Part or which carries on business in Ontario within the meaning of section 345 of *The Corporations Act, 1953* shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of \$50.

R.S.O. 1950,  
c. 241

1953, c. 19

1957, c. 17,  
s. 14,  
repealed

**6.** Section 14 of *The Corporations Tax Act, 1957* is repealed.

1957, c. 17,  
s. 22,  
amended

**7.** Section 22 of *The Corporations Tax Act, 1957* is amended by adding thereto the following clause:

prospecting

(c) an amount received as a result of prospecting that section 53 provides is not to be included.

1957, c. 17,  
s. 23,  
subs. 1,  
cls. a, b,  
repealed

**8.**—(1) Clauses *a* and *b* of subsection 1 of section 23 of *The Corporations Tax Act, 1957* are repealed.

1957, c. 17,  
s. 23,  
subs. 1,  
amended

(2) Subsection 1 of the said section 23 is amended by adding thereto the following clause:

capital  
element of  
annuities

(kk) the capital element of each annuity payment, other than a superannuation or pension benefit or a payment under a registered retirement savings plan, included in computing income for the fiscal year, that is to say, an amount equal to that part of the payment determined in the prescribed manner to have been a return of capital.

1957, c. 17,  
s. 23,  
amended

(3) The said section 23 is amended by adding thereto the following subsection:

(1a)



(1a) Notwithstanding clauses *a* and *b* of subsection 1 of section 24, there shall be deducted in computing the income of a corporation for a fiscal year, Deduction required in computing income

(a) such part of the capital cost to the corporation of property, or such amount in respect of the capital cost to the corporation of property, if any, as is provided by the regulations; Capital cost of property

(b) such amount as an allowance in respect of an oil or gas well, mine or timber limit, if any, as is allowed to the corporation by the regulations. Allowance for oil or gas well, mine or timber limit

(4) Subsection 3 of the said section 23 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 23, subs. 3, amended

(5) Subsection 4 of the said section 23 is amended by striking out "subsection 1" in the first and second lines and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 23, subs. 4, amended

(6) The said section 23 is further amended by adding thereto the following subsection: 1957, c. 17, s. 23, amended

(8) Notwithstanding clauses *a* and *b* of subsection 1 of section 24, there may be deducted in computing the income from a business of a corporation for a fiscal year an amount paid by the corporation in the fiscal year to a person, other than a person with whom the corporation does not deal at arm's length, for the purpose of making a service connection to its place of business for the supply, by means of wires, pipes or conduits, of electricity, gas, telephone service, water or sewers supplied by such person, to the extent that the amount so paid was not paid, Utilities service connection

(a) to acquire property of the corporation; or

(b) as consideration for the goods or services for the supply of which the service connection was undertaken or made.

**9.** Section 24 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 24, amended

(6) Clause *c* of subsection 1 does not apply in respect of an outlay or expense made or incurred by a corporation, at a time when more than 50 per cent of its property consisted of shares in the capital stock Application of s. 24, subs. 1, cl. c



of a subsidiary controlled corporation subsidiary to it, for the purpose of gaining or producing income in the form of dividends from any such corporation or in connection with property in the form of shares in the capital stock thereof.

1957, c. 17,  
s. 25,  
subs. 3,  
amended

**10.**—(1) Subsection 3 of section 25 of *The Corporations Tax Act, 1957* is amended by striking out “subsection 1” in the fifth line and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 25,  
amended

(2) The said section 25 is amended by adding thereto the following subsection:

Income from  
a source

(4) The income of a corporation from a business, property or other source of income or from sources in a particular place means the income of the corporation computed in accordance with this Part on the assumption that it had during the fiscal year no income except from that source or those sources of income and was entitled to no deductions except those related to that source or those sources.

1957, c. 17,  
s. 28,  
subs. 7,  
amended

**11.** Subsection 7 of section 28 of *The Corporations Tax Act, 1957* is amended by striking out “subsection 1” in the fourth line and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 29,  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 29 of *The Corporations Tax Act, 1957* is amended by striking out “subsection 1” in the sixteenth line and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 29,  
subs. 3,  
amended

(2) Subsection 3 of the said section 29 is amended by striking out “subsection 1” where it occurs in the first line of clause *a* and in the eighth line of clause *c* respectively and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 32,  
subs. 2,  
amended

**13.**—(1) Subsection 2 of section 32 of *The Corporations Tax Act, 1957* is amended by striking out “subsection 1” where it occurs in the ninth line of clause *a*, in the eighth line of clause *b* and in the fourth line of subclause ii of clause *b* respectively and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 32,  
subs. 3,  
amended

(2) Subsection 3 of the said section 32 is amended by striking out “subsection 1” where it occurs in the eighth line and in the sixth line of clause *b* respectively and inserting in lieu thereof “subsection 1a”.

1957, c. 17,  
s. 32,  
subs. 4,  
amended

(3) Subsection 4 of the said section 32 is amended by striking out “subsection 1” where it occurs in the second line, in the fifth line of clause *a* and in the fifth and sixth lines of clause *d* respectively and inserting in lieu thereof “subsection 1a”.

(4) Subsection 6 of the said section 32 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1a". <sup>1957, c. 17,  
s. 32,  
subs. 6,  
amended</sup>

(5) Subsection 8 of the said section 32 is amended by striking out "subsection 1" in the fifth line and inserting in lieu thereof "subsection 1a". <sup>1957, c. 17,  
s. 32,  
subs. 8,  
amended</sup>

**14.**—(1) Subsection 1 of section 33 of *The Corporations Tax Act, 1957* is amended by striking out "subsection 1" in the sixth line and inserting in lieu thereof "subsection 1a". <sup>1957, c. 17,  
s. 33,  
subs. 1,  
amended</sup>

(2) Subsection 2 of the said section 33 is amended by striking out "subsection 1" in the fourth line and inserting in lieu thereof "subsection 1a". <sup>1957, c. 17,  
s. 33,  
subs. 2,  
amended</sup>

(3) Clause *c* of subsection 3 of the said section 33 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1a". <sup>1957, c. 17,  
s. 33,  
subs. 3,  
cl. c,  
amended</sup>

**15.** Clause *a* of section 37 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: <sup>1957, c. 17,  
s. 37, cl. a,  
re-enacted</sup>

- (a) the aggregate of gifts made by the corporation in the fiscal year, or in the immediately preceding fiscal year, to the extent of the amount thereof that was not deductible under Part III in computing the taxable income of the corporation for that immediately preceding fiscal year, to charitable organizations in Canada exempt from tax by clause *d* of subsection 29 of section 4, to corporations resident in Canada and exempt from tax by clause *e* or *ee* of subsection 29 of section 4, and to Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality, not exceeding 5 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by the filing of receipts or photostatic reproductions thereof with the Treasurer. <sup>charitable  
donations</sup>

**16.**—(1) Clause *a* of section 38 of *The Corporations Tax Act, 1957* is amended by striking out "under section 4" in the third line and inserting in lieu thereof "under Part I of the *Income Tax Act* (Canada)", so that the clause shall read as follows: <sup>1957, c. 17,  
s. 38, cl. a,  
amended</sup>

- (a) was resident in Canada in the fiscal year and was not by virtue of a statutory provision exempt from tax under Part I of the *Income Tax Act* (Canada) for the fiscal year. <sup>R.S.C. 1952,  
c. 148</sup>

1957, c. 17,  
s. 38,  
amended

(2) The said section 38 is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) had never paid a tax under Part I of the *Income Tax Act* (Canada) by virtue of subsections 5 and 6 of section 83 thereof.

1957, c. 17,  
s. 42,  
subs. 2,  
cls. *e*, *f*,  
re-enacted

**17.** Clauses *e* and *f* of subsection 2 of section 42 of *The Corporations Tax Act, 1957* are repealed and the following substituted therefor:

(*e*) it has, not later than ninety days after the commencement of the fiscal year, elected in the manner provided by section 70 of the *Income Tax Act* (Canada) to be taxed as provided by section 70 thereof; and

R.S.C. 1952,  
c. 148

(*f*) it has not, before the fiscal year, revoked the election under the *Income Tax Act* (Canada) to be taxed under that Act as provided by section 70 thereof.

1957, c. 17,  
s. 44,  
subs. 5,  
amended

**18.** Subsection 5 of section 44 of *The Corporations Tax Act, 1957* is amended by striking out "subsection 1" in the fifth line and inserting in lieu thereof "subsection 1*a*".

1957, c. 17,  
s. 45,  
subs. 1,  
amended

**19.**—(1) Subsection 1 of section 45 of *The Corporations Tax Act, 1957* is amended by adding at the commencement thereof "Except as provided in subsection 1*a*", so that the subsection shall read as follows:

Co-operative  
corporations,  
income tax  
exemption

(1) Except as provided in subsection 1*a*, no tax is payable under section 4 for each of the first three fiscal years after commencement of its business by a co-operative corporation that commenced business on or after the 1st day of January, 1947.

1957, c. 17,  
s. 45,  
amended

(2) The said section 45 is amended by adding thereto the following subsection:

Exception

(1*a*) The exemption provided by subsection 1 does not apply to a co-operative corporation, the business of which is a continuation of a previous business in which a substantial number of its members had a substantial interest either as shareholders of a corporation carrying on the previous business or otherwise.

1957, c. 17,  
s. 45,  
subs. 4,  
cl. *f*,  
repealed

(3) Clause *f* of subsection 4 of the said section 45 is repealed.

(4) The said section 45 is further amended by adding thereto the following subsection: 1957, c. 17,  
s. 45,  
amended

- (5) Clause *a* of subsection 2 of section 51 does not apply where the corporation that redeemed or acquired its common shares or that reduced its common stock is a co-operative corporation. Non-application  
of s. 51,  
subs. 2, cl. *a*

**20.** Subsection 4 of section 49 of *The Corporations Tax Act*, 1957 is amended by striking out "in the prescribed manner" in the fourth and fifth lines and inserting in lieu thereof "under subsection 7 of section 79 of the *Income Tax Act* (Canada)", so that the subsection shall read as follows: 1957, c. 17,  
s. 49,  
subs. 4,  
amended

- (4) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall, if the corporation has so elected under subsection 7 of section 79 of the *Income Tax Act* (Canada), be deemed for the purpose of subsection 1 to be an arrangement for payments "computed by reference to the profit of the corporation from its business". Payment  
out of  
profits

**21.** Subsection 1 of section 50 of *The Corporations Tax Act*, 1957 is amended by inserting after "trust" in the fifth line "exclusively". 1957, c. 17,  
s. 50,  
subs. 1,  
amended

**22.**—(1) Subclause *i* of clause *b* of subsection 1 of section 54 of *The Corporations Tax Act*, 1957 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*". 1957, c. 17,  
s. 54,  
subs. 1,  
cl. *b*,  
subcl. *i*,  
amended

(2) Subclause *i* of clause *b* of subsection 2 of the said section 54 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*". 1957, c. 17,  
s. 54,  
subs. 2,  
cl. *b*,  
subcl. *i*,  
amended

(3) Subclause *i* of clause *d* of subsection 3 of the said section 54 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*". 1957, c. 17,  
s. 54,  
subs. 3,  
cl. *d*,  
subcl. *i*,  
amended

(4) Subclause *i* of clause *d* of subsection 7 of the said section 54 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*". 1957, c. 17,  
s. 54,  
subs. 7,  
cl. *d*,  
subcl. *i*,  
amended

(5) Subsection 8 of the said section 54 is amended by striking out "has at any time after 1954 acquired from a corporation, hereinafter in this subsection referred to as the "predecessor corporation", the principal business of which was production, refining or marketing of petroleum, petroleum

products



products or natural gas, exploring or drilling for petroleum or natural gas, or mining or exploring for minerals, all or substantially all of the property of the predecessor corporation used by it in carrying on the business" in the eighth to fifteenth lines and inserting in lieu thereof "has, at any time after 1954, acquired from a corporation, hereinafter in this subsection referred to as the "predecessor corporation", the principal business of which was production, refining or marketing of petroleum, petroleum products or natural gas, exploring or drilling for petroleum or natural gas, or mining or exploring for minerals, all or substantially all of the property of the predecessor corporation used by it in carrying on that business in Canada".

1957, c. 17,  
s. 54,  
subs. 8,  
cl. f,  
subcl. i,  
amended

(6) Subclause i of clause f of subsection 8 of the said section 54 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1a".

1957, c. 17,  
s. 54,  
amended

(7) The said section 54 is amended by adding thereto the following subsection:

Processing  
corporation

(8a) A reference in subsection 3, 5, 7 or 8 to a corporation, the principal business of which is mining or exploring for minerals, shall, for the purposes of this section and subsection 7 of section 52, be deemed to include a reference to a corporation, the principal business of which is processing mineral ores for the purpose of recovering metals therefrom or a combination of,

(a) processing mineral ores for the purpose of recovering metals therefrom; and

(b) processing metals recovered from the ores so processed;

but in making applicable this section and subsection 7 of section 52 to any such corporation there shall be substituted,

(c) for the references, respectively, in subsections 3, 5, 7 and 8 to the years 1952, 1952, 1953 and 1954, a reference in each case to the year 1956; and

(d) for the reference in subsection 7 of section 52 to the year 1954, a reference to the year 1956.

Application  
of subs. 5

(8) Subsection 5 is applicable in respect of property of a corporation acquired after 1954, except that, in computing the income of a successor corporation for a fiscal year prior



to the fiscal year ending in 1957, no amount is deductible under subsection 8 of section 54 of *The Corporations Tax Act, 1957* as amended by subsection 5.

**23.** Subsection 2 of section 55 of *The Corporations Tax Act, 1957* is amended by striking out "subsection 1" in the fifth line and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 55, subs. 2, amended

**24.**—(1) Subsection 1 of section 56 of *The Corporations Tax Act, 1957* is amended by striking out "subsection 1" in the seventh line and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 56, subs. 1, amended

(2) Clause *b* of subsection 3 of the said section 56 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 56, subs. 3, cl. b, amended

**25.** Subclauses iii and iv of clause *c* of subsection 1 of section 57 of *The Corporations Tax Act, 1957* are repealed and the following substituted therefor: 1957, c. 17, s. 57, subs. 1, cl. c, subcl. iii, re-enacted; subcl. iv, repealed

- (iii) periods for which rent or other amounts for the possession or use of land or chattels have been paid in advance, or

**26.** Subsection 1 of section 60 of *The Corporations Tax Act, 1957* is amended by striking out "subsection 1" in the thirty-first line and inserting in lieu thereof "subsection 1a". 1957, c. 17, s. 60, subs. 1, amended

**27.** Section 72 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 72, amended

- (2) Where in the opinion of the Treasurer a corporation is attempting to avoid payment of a tax imposed by this Act or where the Treasurer has assessed the tax payable under this Act pursuant to subsection 6 of section 71, he may, notwithstanding subsection 2 of section 71, serve the notice of assessment upon the corporation or the president, manager, secretary or any director, agent or representative thereof and direct that all taxes, penalties and interest as set out therein shall be paid forthwith. Idem

**28.** Subsection 1 of section 77 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 77, subs. 1, re-enacted

- (1) Upon the filing of the material referred to in sections 75 and 76 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the

county

county or district in which the corporation appealing has its head office or permanent establishment, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

1957, c. 17,  
s. 83,  
subs. 2,  
amended

**29.** Subsection 2 of section 83 of *The Corporations Tax Act, 1957* is amended by striking out "corporation that" in the first line and inserting in lieu thereof "person who", so that the subsection shall read as follows:

Idem

(2) Every person who has failed to comply with or contravened section 81 or 82 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of \$25 for each day during which the default continues.

Application  
of ss. 1-26

**30.** Sections 1 to 26 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Regulations  
revoked

**31.** Part I of Ontario Regulations 219/57 and Ontario Regulations 278/57 are revoked.

Commence-  
ment

**32.** This Act comes into force on the day it receives Royal Assent.

Short title

**33.** This Act may be cited as *The Corporations Tax Amendment Act, 1958*.

## CHAPTER 17

**An Act to amend The County Courts Act**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 12 of *The County Courts Act*, as R.S.O. 1950, re-enacted by section 1 of *The County Courts Amendment Act*, <sup>c. 75, s. 12</sup> (1955, c. 11, s. 1), subs. 2, 1955, is amended by striking out "Waterloo" in the third <sup>amended</sup> line, so that the subsection shall read as follows:

- (2) In each year the sittings of the county courts of the <sup>Frontenac,</sup> counties of Frontenac, Grey, Hastings, Kent, <sup>Grey,</sup> Ontario, Peterborough and Welland for the trial of <sup>Hastings,</sup> issues of fact and assessments of damages shall <sup>Kent,</sup> commence with or without a jury on the first <sup>Peter-</sup> Monday in June and the third Monday in November <sup>borough,</sup> and without a jury on the first Monday in April <sup>Welland</sup> and October.

**2.** This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> *Act, 1958.*



## CHAPTER 18

**An Act to amend The County Judges Act**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The County Judges Act* is amended by adding thereto the following sections: R.S.O. 1950,  
c. 76  
amended

1. A judge may be appointed for the county court of each of the counties and for the district court of each of the provisional judicial districts. Judges
- 2.—(1) A junior judge may be appointed for the county court of each of the counties of Carleton, Essex, Middlesex and Welland and for the district court of each of the districts of Sudbury and Thunder Bay. Junior  
judges
- (2) Two junior judges may be appointed for the county court of the county of Wentworth. Idem
- (3) Eight junior judges may be appointed for the county court of the county of York. Idem

**2.** Section 3 of *The County Judges Act*, as enacted by section 1 of *The County Judges Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 76, s. 3  
(1957, c. 19,  
s. 1),  
re-enacted

- 3.—(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding six in number, may be appointed, Additional  
judges
  - (a) for the county or district court of any county or district that the Lieutenant-Governor in Council may designate; or
  - (b) for the county and district courts of the counties and districts of Ontario.



## Residence

- (2) A judge or junior judge appointed for the county and district courts of the counties and districts of Ontario shall reside in the county or district court district that is designated by the Lieutenant-Governor in Council.

R.S.O. 1950,  
c. 76, s. 4  
(1951, c. 16,  
s. 1),  
re-enacted

3. Section 4 of *The County Judges Act*, as re-enacted by section 1 of *The County Judges Amendment Act, 1951* and amended by section 1 of *The County Judges Amendment Act, 1953*, is repealed and the following substituted therefor:

## Extended jurisdiction

- 4.—(1) A judge or junior judge may perform any judicial or other function in the county or district court of any county or district in the same manner and to the same effect as a judge of that court.

## Rank and precedence

- (2) The judges and junior judges, respectively, have rank and precedence among themselves according to seniority of appointment.

R.S.O. 1950,  
c. 76, s. 5,  
subs. 1,  
repealed

4. Subsection 1 of section 5 of *The County Judges Act* is repealed.

R.S.O. 1950,  
c. 76, s. 14  
(1955, c. 12,  
s. 2),  
re-enacted

5. Section 14 of *The County Judges Act*, as re-enacted by section 2 of *The County Judges Amendment Act, 1955*, is repealed and the following substituted therefor:

## Oath of office

14. The judge or a junior judge of the county or district court of a county or district forming a court district or a part thereof, before entering upon the duties of his office, shall take and subscribe the following oath before the judge who, in point of time, is senior in appointment to office in the court district, or, where such judge is unable to officiate because of illness or otherwise, before a judge designated for the purpose by the Lieutenant-Governor in Council:

I, ....., do swear  
that I will, truly and faithfully, according to my  
skill and knowledge, execute the several duties,  
powers and trusts of judge of the.....Court  
of the.....of.....  
So help me God.

R.S.O. 1950,  
c. 76, s. 16  
(1957, c. 19,  
s. 4),  
repealed

6. Section 16 of *The County Judges Act*, as re-enacted by section 4 of *The County Judges Amendment Act, 1957*, is repealed.

Commence-  
ment

7. This Act, except section 5, comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

## Short title

8. This Act may be cited as *The County Judges Amendment Act, 1958*.

## CHAPTER 19

**An Act to amend  
The Crown Attorneys Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of section 15 of *The Crown Attorneys Act* is R.S.O. 1950,  
c. 81, s. 15,  
cl. *c*,  
amended amended by striking out "where a municipality or a governmental department or agency would be entitled to any fine imposed or any portion thereof" in the second, third, fourth and fifth lines, so that the clause shall read as follows:

(*c*) fixing the responsibility for the payment of fees and travelling allowances of Crown attorneys.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The Crown Attorneys Amend-  
ment Act, 1958*. Short title



## CHAPTER 20

## An Act to amend The Damage by Fumes Arbitration Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 87, s. 2,  
subs. 1,  
re-enacted

- (1) Where damage is occasioned directly or indirectly to crops, trees or other vegetation by sulphur fumes arising from the smelting or roasting of nickel-copper ore or iron ore or from the treatment of sulphides for the production of sulphur or sulphuric acid for commercial purposes, such damage may, subject to section 3, be determined by the arbitrator who has exclusive jurisdiction to determine the amount of such damage and to make an award. Damage to  
crops, etc.

**2.** Section 6 of *The Damage by Fumes Arbitration Act*, as amended by section 1 of *The Damage by Fumes Arbitration Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 87, s. 6,  
re-enacted

- 6.—(1) A sum not exceeding \$30,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator and his assistants, is payable annually to the Province by the companies smelting or roasting nickel-copper ore or iron ore or treating sulphides for the production of sulphur or sulphuric acid for commercial purposes. Expenses

- (2) The arbitrator at the close of each calendar year shall assess the amount for which each company smelting or roasting nickel-copper ore or iron ore or treating sulphides for the production of sulphur or sulphuric acid for commercial purposes is liable Assessment

under

under subsection 1, and the amount assessed against each company is payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made is subject to the approval of the Minister of Mines.

Commence-  
ment

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

**4.** This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1958*.



## CHAPTER 21

**An Act to amend  
The Department of Education Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 12 of *The Department of Education Act, 1954* is amended by adding thereto the following <sup>1954, c. 20,  
s. 12, subs. 1,  
amended</sup> clause:

(ff) for the establishment of the Provincial Student-Aid Loan Fund to be maintained by donations received for that purpose and by moneys appropriated by the Legislature for that purpose, for prescribing the terms and conditions of the loans and the persons eligible therefor, for defining the types, classes and subclasses of loans, for fixing the maximum loans and terms of repayment, for authorizing the Minister to determine the amount to be loaned to an applicant not exceeding the maximum provided in the regulations, and for providing the method of repayment of loans.

(2) The said section 12 is amended by adding thereto the <sup>1954, c. 20,  
s. 12,  
amended</sup> following subsection:

(1a) Every contract executed by a person under twenty-one years of age that provides for the repayment of <sup>Student-aid  
loan  
contracts</sup> a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Department of Education Short title  
Amendment Act, 1958*.



## CHAPTER 22

## An Act to amend The Department of Municipal Affairs Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Municipal Affairs Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 96,  
amended

6a. The Lieutenant-Governor in Council may appoint committees composed of one or more persons for any purpose relating to municipal matters. Committees

**2.** Clause *f* of section 9 of *The Department of Municipal Affairs Act* is amended by adding at the end thereof "or upon the government and administration of municipal affairs in any municipality or municipalities", so that the clause shall read as follows: R.S.O. 1950,  
c. 96, s. 9,  
cl. *f*,  
amended

(*f*) study, report and advise upon the system of municipal institutions and the government and administration of municipal affairs or upon the government and administration of municipal affairs in any municipality or municipalities.

**3.** Subsection 1 of section 50 of *The Department of Municipal Affairs Act* is amended by inserting after "therein" in the sixth line "or where the treasurer has failed to comply with subsection 4 of section 45", so that the subsection shall read as follows: R.S.O. 1950,  
c. 96, s. 50,  
subs. 1,  
amended

(1) Where under this Part, Part VI of *The Ontario Municipal Board Act, 1932* or Part III of *The Department of Municipal Affairs Act, 1935* a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that the same was registered by mistake or that lands have erroneously been included therein, or where the treasurer has failed to comply with subsection Vacating  
certificates  
1932, c. 27;  
1935, c. 16

4 of section 45, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 54, the Department may direct the treasurer of the corporation to register a certificate to be known as a vacating certificate (Form 4), setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate shall, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner; provided however that the registration of any vacating certificate shall not in any way cancel or affect taxes or arrears of taxes, if any, which may be due upon the land described therein.

Commence-  
ment

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

**5.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1958*.

## CHAPTER 23

**An Act to amend The Deserted Wives' and Children's Maintenance Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 10 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after "enforced" in the second line "by garnishee proceedings", so that the section shall read as follows: R.S.O. 1950,  
c. 102, s. 10,  
amended

10. Any order for payment of money may also be filed with the clerk of any division court and enforced by garnishee proceedings, by execution, and by judgment summons, as in the case of a judgment in the division court. Enforce-  
ment of  
order in  
division  
court

**2.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1958*. Short title





## CHAPTER 24

**An Act to amend  
The Disabled Persons' Allowances Act, 1955**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Disabled Persons' Allowances Act, 1955* is repealed and the following substituted therefor: 1955, c. 17,  
s. 1, cl. b,  
re-enacted

(*b*) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Disabled Persons' Allowances Amendment Act, 1958*. Short title



CHAPTER 25

An Act to amend The Division Courts Act

Assented to March 27th, 1958  
Session Prorogued March 27th, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 88 of *The Division Courts Act*, R.S.O. 1950, c. 106, s. 88, as enacted by section 5 of *The Division Courts Amendment Act, 1957*, is amended by striking out "the plaintiff proves", (1957, c. 29, s. 5), amended in the sixth line and inserting in lieu thereof "it is proved", amended so that the subsection shall read as follows:

(5) Where a summons has been forwarded for service in another division under section 22 and the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the clerk shall not enter judgment until it is proved in court that the action was entered in the proper court, and, if the judge is satisfied that the action was not entered in the proper court, he shall transfer the case to the proper court on such terms as to him seem just.

2. Section 129 of *The Division Courts Act*, as amended by R.S.O. 1950, c. 106, s. 129, section 6 of *The Division Courts Amendment Act, 1957*, is amended further amended by adding thereto the following subsection:

(4) Where directions to garnishee are issued under subsection 3 and judgment is given against the garnishee, the judgment shall not be for an amount exceeding the jurisdiction of the court in a personal action.

3. This Act may be cited as *The Division Courts Amendment Act, 1958*.





## CHAPTER 26

# An Act to amend The Embalmers and Funeral Directors Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Embalmers and Funeral Directors Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 113, s. 7, subs. 1, amended

(aa) the names of all permit holders, the period of time each permit has been in force and the reasons for each renewal of permit.

2. Section 9 of *The Embalmers and Funeral Directors Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 113, s. 9, amended

(4) Where a licensed funeral director operates a business for another person, the name of the licensed funeral director shall appear on all stationery and advertisements of the business. Publication of name of a director

3. Section 13 of *The Embalmers and Funeral Directors Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 113, s. 13, re-enacted

13. Every person who holds a funeral director's licence or permit shall cause it to be displayed to the public at all times at his place of business or the place of business where he is employed, and failure to comply with this section shall be *prima facie* evidence that such person is not the holder of a licence or permit. Display of licence or permit

4.—(1) Subclause ii of clause a of subsection 1 of section 14 of *The Embalmers and Funeral Directors Act* is amended by striking out "of examiners" in the second line, so that the subclause shall read as follows: R.S.O. 1950, c. 113, s. 14, subs. 1, cl. a, subcl. ii, amended

(ii) is the holder of a certificate of qualification issued by the board under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors, or

R.S.O. 1950,  
c. 113, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "of examiners" in the first and second lines, so that the subsection shall read as follows:

Effect of  
certain  
certificates

(2) A certificate of qualification issued by the board under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors to a person who on the 30th day of June, 1947, was licensed as an embalmer or funeral director shall have the same force and effect as a certificate of qualification issued under this Act.

R.S.O. 1950,  
c. 113, s. 14,  
subs. 3,  
amended

(3) Subsection 3 of the said section 14 is amended by striking out "five" in the second line and inserting in lieu thereof "three", so that the subsection shall read as follows:

Cancellation  
by failure  
to use

(3) Where the holder of a certificate of qualification is not the holder of a licence for a period of three consecutive years, the certificate of qualification shall *ipso facto* be deemed to be revoked.

R.S.O. 1950,  
c. 113, s. 17,  
cl. b,  
re-enacted

**5.**—(1) Clause *b* of section 17 of *The Embalmers and Funeral Directors Act* is repealed and the following substituted therefor:

(b) he shall employ a different licensed funeral director as manager of each branch who shall have no other occupation; and

. . . . .

R.S.O. 1950,  
c. 113, s. 17,  
amended

(2) The said section 17 is amended by adding thereto the following subsection:

Director of  
funeral  
business  
to be  
licensed

(2) No corporation shall operate a funeral business unless at least one of the directors of the corporation is the holder of a certificate of qualification under this Act.

Short title

**6.** This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1958*.

## CHAPTER 27

## An Act to amend The Farm Products Marketing Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 131, s. 1,  
cl. *b*,  
re-enacted

(*b*) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or portion of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations.

**2.—(1)** Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 131, s. 3,  
subs. 1  
(1957, c. 34,  
s. 2, subs. 1),  
cl. *a*,  
re-enacted

(*a*) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product.

(2) Clause *c* of subsection 1 of the said section 3, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 131, s. 3,  
subs. 1  
(1957, c. 34,  
s. 2, subs. 1),  
cl. *c*,  
re-enacted

(*c*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(*cc*)

(cc) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board may determine;

(ccc) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1950,  
c. 131, s. 4,  
re-enacted

**3.** Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1951*, subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, subsections 1, 2, 3 and 5 of section 3 of *The Farm Products Marketing Amendment Act, 1955* and section 3 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

Petition  
for a plan

4.—(1) Where the Board receives from any group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the marketing or regulating of a farm product or any class or portion thereof and where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the plan and matters relating to the marketing of the farm product.

Plebiscite  
to establish  
a plan

(2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or portion thereof will be conducive to the more efficient production and marketing of the farm product, the Board shall submit to a plebiscite of the producers of the farm product or class or portion thereof the question of favour of the plan.

Resubmis-  
sion to  
plebiscite by  
producers

(3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board shall submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a plebiscite shall not be required to be taken in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.



- (4) Where in the opinion of the Board an existing plan should be resubmitted to a plebiscite, it may re-submit to a plebiscite of the producers of the regulated product the question of favour of the plan. Resubmission to plebiscite by Board
- (5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes. Plebiscite on amendment of the purposes of a plan
- (6) Where the Board submits to a plebiscite of the producers of a farm product or class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations, Regulations for taking plebiscite
- (a) prescribing the manner of taking votes in the plebiscite;
  - (b) defining "producer" for the purpose of the plebiscite;
  - (c) providing for the registration of producers and the preparation and revision of voters' lists;
  - (d) providing for the appointment and powers of revising officers to add names to or omit names from the voters' lists;
  - (e) providing for appeals to the Board from any decision of a revising officer;
  - (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;
  - (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purpose of the plebiscite and the notices to be given to producers;
  - (h) respecting any other matter which the Board deems necessary or advisable for the taking of the plebiscite.



Result of  
plebiscite  
to establish  
or amend  
a plan

- (7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be.

Result of  
plebiscite  
on re-  
submission  
of plan

- (8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the existing plan be revoked.

Regulations  
for plan to  
be submitted  
to plebiscite

- (9) Where the question of favour of a plan is submitted to a plebiscite, the regulations made or proposed to be made in respect of the plan shall also be submitted, but such submission shall not limit the powers of the Board to make regulations.

Regulations  
respecting  
plans and  
local boards

- 4a.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;
- (b) defining producer or classes of producers for the purpose of any plan;
- (c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, as amended from time to time;
- (d) prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws not inconsistent with this Act, regulations made under this clause or regulations made under the plan under which the local board is established as amended from time to time;
- (e) dissolving a local board on such terms and conditions as he may deem proper and providing for the disposition of the assets of the local board.

1953, c. 19

- (2) Any plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose and to any or all persons engaged in producing, marketing or processing one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose. Application of plan
- (3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established. Contents of plan

4. Clause 23 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950 c. 131, s. 6 (1957, c. 34, s. 4), subs. 1, cl. 23, re-enacted

23. prescribing the percentages of votes required under section 4.

5. Every plan heretofore approved, every regulation heretofore made, every order heretofore made by the Board, any local board or any marketing agency, and every agreement and every award heretofore made, or purporting to have been approved or made, under *The Farm Products Marketing Act*, and which has not been revoked before this Act comes into force, are hereby confirmed and shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act. Existing plans, regulations, orders, etc., continued

6. This Act comes into force on the day it receives Royal Assent. R.S.O. 1950, c. 131

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1958*. Commencement





## CHAPTER 28

## An Act to amend The Female Refuges Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Female Refuges Act* is amended by R.S.O. 1950, c. 134, s. 1, relettering clause *a* as clause *aa* and by adding thereto the amended following clause:

(a) “Deputy Minister” means Deputy Minister of Reform Institutions.

(2) Clause *b* of the said section 1 is repealed.

R.S.O. 1950,  
c. 134, s. 1,  
cl. *b*,  
repealed

**2.** *The Female Refuges Act* is amended by striking out “inspector” where it occurs in the second line of subsection 2 of section 2, in the first line of subsection 1, in the fourth line of subsection 2 and in the third line of subsection 3 of section 3, in the first line of section 5, in the second line of section 6, in the first line of subsection 2 of section 8, in the second line of subsection 1, in the second line of subsection 3, in the first line of subsection 4 and in the first line of subsection 5 of section 9, in the first line of subsection 2 of section 10, in the first line of section 11, in the third line of section 12, in the ninth line of section 14 and in the sixth line of section 18 respectively and inserting in lieu thereof “Deputy Minister”.

R.S.O. 1950,  
c. 134,  
amended

**3.** Sections 15, 16 and 17 of *The Female Refuges Act* are repealed.

R.S.O. 1950,  
c. 134,  
ss. 15, 16, 17,  
repealed

**4.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**5.** This Act may be cited as *The Female Refuges Amendment Act, 1958*.

Short title





## CHAPTER 29

**An Act to amend  
The Financial Administration Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 2 of *The Financial Administration Act, 1954* is repealed and the following substituted therefor: 1954, c. 30, s. 2, subs. 1, re-enacted

- (1) The Treasury Board shall be composed of the Treasurer, who shall be the chairman, and not fewer than four and not more than seven other members of the Executive Council as may be designated from time to time by the Lieutenant-Governor in Council. Treasury Board, composition

**2.** Subsection 1 of section 34 of *The Financial Administration Act, 1954* is amended by inserting after "advance" in the third line "out of the Consolidated Revenue Fund", so that the subsection shall read as follows: 1954, c. 30, s. 34, subs. 1, amended

- (1) On the application of a minister, the Treasurer may authorize the Comptroller of Accounts to make an accountable advance out of the Consolidated Revenue Fund for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred. Accountable advances

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Financial Administration Amendment Act, 1958*. Short title



## CHAPTER 30

## An Act to amend The Fire Departments Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 7 of section 2 of *The Fire Departments Act* R.S.O. 1950, c. 138, s. 2, subs. 7, amended is amended by striking out "the" in the fourth line, so that the subsection shall read as follows:

- (7) Notwithstanding this section, in the case of a serious Recall in emergency emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty full-time fire fighters who are not on duty.

**2.**—(1) Subsection 1 of section 6 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 138, s. 6, subs. 1, re-enacted

- (1) Every agreement under section 4 and every decision or award under section 5 shall be in writing and is Agreements, etc., to be in writing and binding on the parties binding upon the municipality and the full-time fire fighters.

(2) The said section 6, as amended by section 1 of *The Fire Departments Amendment Act, 1955*, is further amended by R.S.O. 1950, c. 138, s. 6, amended adding thereto the following subsection:

- (2a) Notwithstanding subsection 2, the parties to an Idem agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it shall remain in effect for such period and thereafter shall remain in effect until replaced by a new agreement, decision or award.

**3.** This Act comes into force on the day it receives Royal Commence-ment Assent.

**4.** This Act may be cited as *The Fire Departments Amend-ment Act, 1958*. Short title



## CHAPTER 31

## An Act to amend The Game and Fisheries Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 4 of section 7 of *The Game and Fisheries Act*, R.S.O. 1950, c. 153, s. 7, as re-enacted by section 2 of *The Game and Fisheries Amendment Act, 1956*, (1956, c. 26, s. 2), subs. 4, amended, is amended by striking out "other than beaver" in the third line, so that the subsection shall read as follows:

(4) A farmer or any of his sons residing upon his lands Exceptions as to farmers may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and any such farmer or any of his sons may without a licence sell, subject to this Act, the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as the Lieutenant-Governor in Council may prescribe.

**2.** Section 13 of *The Game and Fisheries Act* is repealed R.S.O. 1950, c. 153, s. 13, re-enacted and the following substituted therefor:

13. Except under the authority of a licence, no hotel, Hotels, restaurants or clubs boarding-house, camp, restaurant or club shall possess any game, other than pheasants that have been propagated or sold under a licence so to do.

**3.** Section 21 of *The Game and Fisheries Act*, as amended R.S.O. 1950, c. 153, s. 21, repealed by section 6 of *The Game and Fisheries Amendment Act, 1951*, is repealed.

**4.** Subsection 3 of section 22 of *The Game and Fisheries Act*, as amended by subsection 1 of section 5 of *The Game and Fisheries Amendment Act, 1952*, R.S.O. 1950, c. 153, s. 22, subs. 3, re-enacted, is repealed and the following substituted therefor:



Guides for  
non-resident  
hunters

- (3) No non-resident shall hunt, take or kill deer or moose in the district of Rainy River without employing and being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed shall be not less than one guide for each two non-residents.

R.S.O. 1950,  
c. 153, s. 26,  
(1956, c. 26,  
s. 4), subs. 2,  
amended

5. Subsection 2 of section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956*, is amended by inserting after "clause a" in the first line "or subclause i of clause c", so that the subsection shall read as follows:

Power of  
fire-arms

- (2) The holder of a licence under subclause vi of clause a or subclause i of clause c of subsection 1 shall not,
- (a) carry or use a rifle of greater calibre or projectile power than the rifle known as a .22-calibre low-powered rifle; or
- (b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for caribou, deer or moose in areas which such animals inhabit or in which they are usually found.

R.S.O. 1950,  
c. 153, s. 27,  
cl. d,  
re-enacted

6.—(1) Clause d of section 27 of *The Game and Fisheries Act*, as amended by section 7 of *The Game and Fisheries Amendment Act, 1952*, is repealed and the following substituted therefor:

fur  
dealers

- (d) to any person to buy, sell or deal in the pelts of fur-bearing animals, and the fee shall be,
- (i) for a resident British subject on specific premises, to be known as "store licence" \$ 5.00
- (ii) for a resident British subject to be known as "travelling fur dealer" . . . . . 25.00
- (iii) for a resident who is not a British subject . . . . . 50.00
- (iv) for a non-resident . . . . . 50.00
- (v) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence" . . . . . 1.00

- (2) Clause *f* of the said section 27 is repealed.

R.S.O. 1950,  
c. 153, s. 27,  
cl. *f*,  
repealed

7. Section 30 of *The Game and Fisheries Act*, as amended by section 8 of *The Game and Fisheries Amendment Act, 1951*, section 9 of *The Game and Fisheries Amendment Act, 1952* and section 6 of *The Game and Fisheries Amendment Act, 1953*, is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 153, s. 30,  
amended

- (5) Notwithstanding clause *a* of subsection 4, a person may shoot muskrat or beaver on such terms and conditions as the Minister may determine.

Muskrat  
and  
beaver

8. Section 32 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1951* and section 10 of *The Game and Fisheries Amendment Act, 1952*, is further amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 153, s. 32,  
amended

- (10a) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in or within five feet of a beaver house during the open season for beaver.

Traps in  
beaver  
houses

- (10b) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may set traps in or within five feet of a beaver house during the open season for beaver.

Idem

9. Subsection 1 of section 49 of *The Game and Fisheries Act* is amended by striking out "bull" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 153, s. 49,  
subs. 1,  
amended

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

Export of  
game by  
non-  
residents

R.S.C. 1952  
c. 179

10. Subsection 1 of section 52 of *The Game and Fisheries Act* is amended by inserting after "speckled trout" in the fourth line "splake", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 153, s. 52,  
subs. 1,  
amended

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, splake, brown trout, rainbow trout, Kamloops trout or Aurora

No traffic  
in certain  
fish

trout,

trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950,  
c. 153, s. 62,  
subs. 2,  
amended

**11.** Subsection 2 of section 62 of *The Game and Fisheries Act* is amended by striking out "designated" in the second line and inserting in lieu thereof "used", so that the subsection shall read as follows:

Trespassing  
on experi-  
mental fur-  
farms, etc.

(2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are used as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them.

R.S.O. 1950,  
c. 153, s. 77,  
amended

**12.**—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(dd) providing for and establishing a programme to promote the safe handling of fire-arms by hunters.

R.S.O. 1950,  
c. 153, s. 77,  
cl. j,  
repealed

(2) Clause *j* of the said section 77, as amended by subsection 2 of section 13 of *The Game and Fisheries Amendment Act, 1952*, is repealed.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The Game and Fisheries Amendment Act, 1958*.

CHAPTER 32

An Act to amend The General Sessions Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 3 of *The General Sessions Act*, R.S.O. 1950, c. 158, s. 3, as enacted by subsection 1 of section 1 of *The General Sessions* subs. 1a  
*Amendment Act, 1952*, is amended by striking out "Waterloo" (1952, c. 34, s. 1, subs. 1), amended  
in the second line, so that the subsection shall read as follows:

(1a) In the county of Frontenac, Grey, Hastings, Kent, Frontenac,  
Ontario, Peterborough and Welland the sittings of Grey,  
the court in each year shall commence on the first Hastings,  
Monday in June and the third Monday in November. Kent,  
Peter- Ontario,  
borough, Peter-  
Welland Welland

2. This Act may be cited as *The General Sessions Amend-* Short title  
*ment Act, 1958.*





## CHAPTER 33

## An Act to provide General Welfare Assistance to Persons

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,


Interpre-  
tation

- (a) "assistance" means any class of assistance that is provided under this Act for the general welfare of unemployed persons or unemployable persons;
- (b) "Director" means Director of the General Welfare Assistance Branch of the Department of Public Welfare;
- (c) "Minister" means Minister of Public Welfare;
- (d) "municipal welfare administrator" means a person appointed as such for the purposes of this Act;
- (e) "recipient of a governmental benefit" means a person,
  - (i) who is a pensioner under the *Old Age Security Act* (Canada), or R.S.C. 1952, c. 200
  - (ii) who is a recipient under *The Blind Persons' Allowances Act, 1951*, *The Disabled Persons' Allowances Act, 1955* or *The Old Age Assistance Act, 1951*, or 1951 (2nd Sess.), cc. 1, 2; 1955, c. 17
  - (iii) who is a beneficiary or recipient under *The Mothers' and Dependent Children's Allowances Act, 1957*, or 1957, c. 73
  - (iv) who is receiving a maintenance allowance under *The Rehabilitation Services Act, 1955*, 1955, c. 71

and includes such other classes of persons as the regulations may prescribe;

(f)

- (f) "regional welfare administrator" means a person employed as such by the Department of Public Welfare or designated as such by the Minister;
- (g) "regulations" means regulations made under this Act;
- (h) "supplementary allowance" means assistance that may be paid to a recipient of a governmental benefit;
- (i) "unemployable person" means a person who is certified by a duly qualified medical practitioner as being unable to engage in remunerative employment by reason of physical or mental disability;
- (j) "unemployed person" means a person who is able to engage in remunerative employment and who is not so engaged at the time he makes application for assistance.

Ontario-  
Canada  agreements

**2.** The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada or any agency thereof in respect of any or all of the following matters:

1956, c. 26  
(Can.)

- (a) respecting the payment by Canada to the Province in accordance with the *Unemployment Assistance Act* (Canada) and its regulations of any portion of the aggregate of the cost to the Province and the cost to municipalities in the Province of providing assistance to the classes of persons and under the conditions specified in the agreement;

1955, c. 33

- (b) respecting the payment by Canada to the Province of contributions to the cost of providing assistance to Indians within the meaning of *The Indian Welfare Services Act, 1955* under the conditions specified in the agreement;
- (c) respecting the payment by Canada to the Province of contributions to the cost of providing assistance and other things to immigrants to the Province under the conditions specified in the agreement;
- (d) respecting the payment by Canada to the Province or by the Province to Canada of contributions to the cost of public works measures undertaken by the Province or by Canada to relieve unemployment in the Province or in any municipality in the Province.

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with any municipality and any municipality may make agreements with the Minister respecting the payment by the Province to the municipality or by the municipality to the Province of contributions to the cost of public works measures undertaken by the municipality or by the Province to relieve unemployment in the municipality. Ontario-municipal agreements

4.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and shall advise municipal welfare administrators, regional welfare administrators and others as to the manner in which their duties under this Act are to be performed. Provincial administration

(2) In territory without municipal organization, the regional welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount thereof and direct payment accordingly. Idem

5.—(1) The council of a city, town, village or township may, with the approval of the Minister, appoint a municipal welfare administrator. Local municipal administration

(2) The municipal welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount thereof and direct payment accordingly. Idem

(3) Instead of the local municipalities that are within a county for municipal purposes administering assistance independently of one another, the council of the county may, with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in all such local municipalities, except that any such local municipality that has a population of more than 5,000 according to its last revised assessment roll may, by agreement with the county and with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in that local municipality independently of the county. County administration

6. The Director, every municipal welfare administrator, every regional welfare administrator and every relief investigator is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to take affidavits R.S.O. 1950, c. 57

Duty to  
provide  
assistance,  
provincial

7.—(1) The Province shall provide assistance to the persons who reside in territory without municipal organization and who are eligible for such assistance.

municipal

(2) A municipality shall provide assistance to the persons who reside in the municipality and who are eligible for such assistance.

Power to  
provide  
assistance  
by way of  
supple-  
mentary  
allowance

8. A municipality or the Province may provide assistance by way of supplementary allowances to or on behalf of recipients of governmental benefits.

Regulations

9. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing classes of assistance and the items to be included in any such class and the manner of computing the amount thereof;
- (b) prescribing classes of persons who are eligible for assistance and fixing standards of eligibility;
- (c) defining residence for the purposes of establishing eligibility for assistance, liability to pay assistance, a right to a contribution to the cost of assistance or a right to reimbursement of the whole or any part of the cost of assistance, or for any other purposes of this Act and prescribing the circumstances in which any such definition is applicable;
- (d) supplementing the liabilities mentioned in section 7 by prescribing circumstances under which there is liability to pay assistance, a right to a contribution or a right to reimbursement and providing for the same and prescribing the maximum amounts or percentages thereof;
- (e) providing for the recovery by the Province from a municipality of any amounts of assistance paid by the Province for which the municipality is liable or for the recovery by the Province or a municipality from a recipient of assistance or from his estate of amounts of assistance paid by the Province or municipality, and prescribing the circumstances and manner in which any such recovery may be made;
- (f) adding to the classes of persons who are recipients of governmental benefits;
- (g) providing for the payment of supplementary allowances to recipients of governmental benefits, pre-



scribing the circumstances under which and by whom they are payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof;

- (h) prescribing the amounts of money that may be paid by the Province in respect of the burial of indigent persons who were residing in territory without municipal organization;
- (i) governing the manner of making application for assistance;
- (j) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is paid;
- (k) prescribing the times and manner of payment of assistance;
- (l) prescribing additional powers and duties of the Director, regional welfare administrators and municipal welfare administrators;
- (m) prescribing the records to be kept and the claims and returns to be made to the Minister by municipalities and prescribing the times within which and the manner in which such claims or returns shall be made;
- (n) providing for the whole or part of the cost of providing medical and dental services to recipients of assistance and their dependants or any class thereof;
- (o) defining expressions for the purposes of the regulations;
- (p) prescribing the forms for use under this Act;
- (q) respecting any other matter deemed necessary or advisable to carry out the intent and purpose of this Act.

**10.** The Provincial cost of assistance or relief under section 11 or any public works measure undertaken under any agreement under section 2 and the expenses of the administration of this Act are until the 31st day of March, 1959, payable out of the Consolidated Revenue Fund and thereafter are payable out of the moneys appropriated therefor by the Legislature.



Transitional  
provisions  
R.S.O. 1950,  
c. 403

**11.**—(1) Every recipient of direct relief or an allowance under *The Unemployment Relief Act* when this Act comes into force shall, if eligible therefor, be paid assistance under this Act and his eligibility therefor shall be determined in so far as may be possible in accordance with the information contained in his application for relief and in the other documents on file under *The Unemployment Relief Act*.

Idem

R.S.O. 1950,  
c. 403

(2) All returns, statements and other matters respecting moneys between the Province and a municipality under *The Unemployment Relief Act* are not affected by the repeal of that Act and all such matters shall be completed and accounted for as though this Act had not been passed.

R.S.O. 1950,  
c. 403;  
1951, c. 90;  
1953, c. 106;  
1954, c. 100,  
repealed

**12.** *The Unemployment Relief Act, The Unemployment Relief Amendment Act, 1951, The Unemployment Relief Amendment Act, 1953 and The Unemployment Relief Amendment Act, 1954* are repealed.

Commence-  
ment

**13.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**14.** This Act may be cited as *The General Welfare Assistance Act, 1958*.

## CHAPTER 34

**An Act to regulate the  
Storage of Farm Produce in Grain Elevators**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "Chief Inspector" means Chief Inspector appointed under this Act;
- (b) "farm produce" means beans, cereal grains, corn or grass seeds produced in Ontario;
- (c) "grain elevator" means premises on which farm produce is stored;
- (d) "grain elevator operator" means a person who receives or offers to receive farm produce for storage;
- (e) "grain storage receipt" means a receipt in a form prescribed by the regulations and issued by a grain elevator operator in respect of farm produce in storage;
- (f) "regulations" means regulations made under this Act;
- (g) "stored" when used with respect to farm produce means delivered to a grain elevator upon terms that the ownership is to remain in the deliverer, and "storage" has a corresponding meaning;
- (h) "weigh-ticket" means a receipt issued by a grain elevator operator to a producer in the form prescribed by the regulations.

**2.**—(1) Subject to an agreement in writing to the contrary, where farm produce is delivered to an elevator and a grain storage receipt is issued, the delivery of the farm produce shall be deemed to be for storage.

Receipt  
where grain  
not for  
storage

(2) A grain elevator operator shall not issue a grain storage receipt for grain delivered upon terms other than for storage unless he marks on the receipt in bold print that the receipt is not a grain storage receipt under this Act.

Contract for  
sale to be  
written

3. A contract for the sale of farm produce to the operator of the grain elevator in which it is stored shall not be enforceable by action unless the contract is written on the grain storage receipt issued for the farm produce and signed by the parties.

Storage  
charges

4. Unless it is agreed in writing to the contrary, farm produce stored in a grain elevator shall not be subject to any lien, charge or set-off other than for storage charges in respect of the farm produce.

R.S.O. 1950,  
c. 125, s. 2,  
not to  
apply

5. Section 2 of *The Factors Act* does not apply to farm produce in possession of a grain elevator operator for storage, or to a document of title thereto.

Appointment  
of Chief  
Inspector  
and  
inspectors

6. The Lieutenant-Governor in Council may appoint a Chief Inspector to administer and enforce this Act, and may appoint one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or the Chief Inspector.

Grain  
elevator  
operator's  
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator without a licence as a grain elevator operator issued by the Chief Inspector in respect of the grain elevator.

Conditions  
of licence

(2) The Chief Inspector may refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to engage properly in the business of a grain elevator operator.

Suspension,  
revocation  
or non-  
renewal  
of licence

(3) The Chief Inspector may suspend, revoke or refuse to renew a licence for failure to carry out the provisions of this Act or the regulations, or for failure to provide promptly and accurately a grain storage receipt to a producer from whom the grain elevator operator received farm produce for storage.

Duties of  
Chief  
Inspector

8. Where the Chief Inspector suspends, revokes or fails to renew the licence of a grain elevator operator, the Chief Inspector may perform such services and do such acts as he deems necessary to protect the property of the producers of farm produce received for storage at the grain elevator.

Grain  
storage  
receipt

9.—(1) Upon delivery of farm produce for storage, the grain elevator operator shall issue a grain storage receipt.

(2) No person shall issue or receive more than one grain storage receipt in respect of the same farm produce. Not more than one receipt

**10.**—(1) Where a producer delivers for storage any kind of farm produce in more than one delivery, the grain elevator operator shall, for each delivery, issue to the producer a weigh-ticket. Weigh-ticket

(2) Where a grain elevator operator issues weigh-tickets under subsection 1, he shall issue a grain storage receipt immediately after the last delivery of the farm produce and upon the surrender of the weigh-tickets, but in no case later than ten days from the date of issue of the weigh-ticket first issued. Surrender of weigh-tickets for receipt

**11.**—(1) Every grain elevator operator shall keep copies of all weigh-tickets issued to each producer in a separate account kept for that purpose only, until he issues grain storage receipts for the full amount of the weigh-tickets. Copies of weigh-tickets

(2) No person shall issue a grain storage receipt or weigh-ticket without making and keeping a complete record of the matters recorded thereon. Records

**12.**—(1) No person shall sign a grain storage receipt on behalf of a grain elevator operator except a person designated by him. Signing of receipts

(2) A grain elevator operator shall report promptly to the Chief Inspector the name and address of any person designated by him to sign receipts. Report to Chief Inspector

**13.**—(1) Every licensed grain elevator operator shall insure with an insurer licensed under *The Insurance Act* all farm produce stored by him for which grain storage receipts and weigh-tickets have been issued, against loss or damage by fire, lightning, explosion occurring on the grain elevator premises, windstorm and hail, to the full market value of the farm produce in storage. Insurance R.S.O. 1950, c. 183

(2) Every contract of insurance in which the coverage referred to in subsection 1 is included shall provide that payment thereunder shall not be made without the consent of the Chief Inspector. Payment of insurance

**14.** Every grain elevator operator shall furnish to the Chief Inspector in such form and at such times as he may require a statement showing the full market value of farm produce in storage at his grain elevator and the particulars of insurance under section 13. Operator to supply particulars of insurance



Storage not  
to exceed  
capacity

**15.**—(1) Subject to subsection 2, no grain elevator operator shall receive for storage any amount of farm produce greater than the storage capacity of his grain elevator.

Contract for  
storage in  
another  
elevator

(2) A grain elevator operator may, under *bona fide* contract for storage facilities at the grain elevators of other grain elevator operators licensed under this Act or any Act of the Parliament of Canada, or other person on premises acceptable to the Chief Inspector, store therein farm produce received for storage at his grain elevator.

Farm  
produce in  
storage to  
correspond  
to receipts

**16.** Every grain elevator operator shall at all times have in his grain elevator or in other storage under subsection 2 of section 15 such amounts of farm produce of each kind and grade as shall be at least equal to the total amounts of outstanding grain storage receipts and weigh-tickets issued by him.

Inspection

**17.**—(1) The Chief Inspector or an inspector may at any time enter any grain elevator and inspect the grain stored and the books and records pertaining thereto.

Idem

(2) Every person, when requested so to do by the Chief Inspector or an inspector, shall permit inspection of any premises operated as a grain elevator and shall produce and permit inspection of books and records and supply extracts respecting farm produce in storage.

Idem

(3) No person shall hinder or obstruct the Chief Inspector or an inspector in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Penalties

**18.** Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 for a first offence and to a penalty of not more than \$5,000 or to a term of imprisonment of not more than one year for any subsequent offence.

Regulations

**19.** The Lieutenant-Governor in Council may make regulations,

(a) providing for the licensing of grain elevator operators;

(b) prescribing the duties of the Chief Inspector and inspectors;

(c) prescribing the forms and providing for the use thereof;

(d)



- (d) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

**20.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**21.** This Act may be cited as *The Grain Elevator Storage* <sup>Short title</sup>  
*Act, 1958.*



## CHAPTER 35

# **An Act to amend The Highway Improvement Act, 1957**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 22 of *The Highway Improvement Act, 1957* is amended by striking out “Minister” in the fourth line and inserting in lieu thereof “Lieutenant-Governor in Council”. 1957, c. 43,  
s. 22, subs. 1,  
amended

(2) Clause *b* of subsection 5 of the said section 22 is amended by striking out “50” in the third line and inserting in lieu thereof “75”. 1957, c. 43,  
s. 22, subs. 5,  
amended

**2.** Subsection 1 of section 30 of *The Highway Improvement Act, 1957* is repealed and the following substituted therefor: 1957, c. 43,  
s. 30, subs. 1,  
re-enacted

(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, Interference  
with King's  
Highway

(a) shall obstruct or deposit material on or take up or in any way interfere with the King's Highway; or

(b) shall construct any private road, entrance-way, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway,

except in accordance with the conditions of a permit issued therefor by the Minister.

**3.** Section 45 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection: 1957, c. 43,  
s. 45,  
amended

(1a) A county may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supplemen-  
tary by-law

1957, c. 43,  
s. 56, subs. 3,  
amended

4. Subsection 3 of section 56 of *The Highway Improvement Act, 1957* is amended by inserting after "cent" in the second line "or more in total value than 50 per cent", so that the subsection shall read as follows:

Minimum  
and  
maximum  
contribution

- (3) Such contribution shall not be less in total value than 25 per cent or more in total value than 50 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

1957, c. 43,  
s. 63,  
amended

5. Section 63 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Interest in  
contracts

- (9a) Any member of a suburban roads commission who is, directly or indirectly, interested in a contract with the commission or in which the commission has an interest shall, *ipso facto*, cease to be a member of the commission and the vacancy so created shall be filled under subsection 9.

1957, c. 43,  
s. 71,  
amended

6. Section 71 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Supple-  
mentary  
by-law

- (2a) A township may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

1957, c. 43,  
amended

7. *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Opening or  
constructing  
road in  
subdivision  
not eligible

- 71a. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, no subsidy shall be paid to the township under this Part for any expenditure made on the opening or constructing of any road in the subdivision unless the road is a main thoroughfare for traffic or is designated and laid out as such and is so designated by the Minister.

**8.** Section 76 of *The Highway Improvement Act, 1957* is <sup>1957, c. 43</sup>  
amended by adding thereto the following subsection: <sup>s. 76,</sup>  
<sup>amended</sup>

- (2) A city, town or village may at any time submit to <sup>Supplemen-</sup>  
the Minister for his approval a by-law covering an <sup>tary by-law</sup>  
estimated expenditure on road construction and  
maintenance supplementing the by-law submitted  
under subsection 1.

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**10.** This Act may be cited as *The Highway Improvement* <sup>Short title</sup>  
*Amendment Act, 1958.*





## CHAPTER 36

## An Act to amend The Highway Traffic Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *e* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 167, s. 1,  
subs. 1,  
cl. *e*,  
re-enacted

(*e*) “Department” means Department of Transport.

(2) Clause *l* of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 167, s. 1,  
subs. 1  
cl. *l*,  
re-enacted

(*l*) “Minister” means Minister of Transport.

(3) Clause *m* of subsection 1 of the said section 1 is amended by inserting after “tractor” in the sixth line “self-propelled implement of husbandry”, so that the clause shall read as follows: R.S.O. 1950,  
c. 167, s. 1,  
subs. 1,  
cl. *m*,  
amended

(*m*) “motor vehicle” includes automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

(4) Subsection 1 of the said section 1 is amended by adding thereto the following clauses: R.S.O. 1950,  
c. 167, s. 1,  
subs. 1,  
amended

(*tt*) “roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;

. . . . .

(ww)

(*ww*) “urban area” means the territory contiguous to a highway not within a city, town, village, police village or built-up area that is occupied by dwellings, buildings used for business purposes, schools or churches at intervals of less than 100 feet for a distance of a quarter of a mile or more and that is marked by signs displayed as required by the regulations.

R.S.O. 1950,  
c. 167, s. 2,  
subs. 2,  
amended

**2.** Subsection 2 of section 2 of *The Highway Traffic Act* is amended by inserting after “Minister” in the second line “and Deputy Minister” and by adding at the end thereof “or Deputy Minister”, so that the subsection shall read as follows:

Duties

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister or Deputy Minister.

R.S.O. 1950,  
c. 167,  
amended

**3.** *The Highway Traffic Act* is amended by renumbering section 2*a*, as enacted by section 2 of *The Highway Traffic Amendment Act, 1957*, as section 2*b* and by adding thereto the following section:

Deputy  
Registrar

2*a*. There shall be a Deputy Registrar appointed by the Lieutenant-Governor in Council who shall have all the powers and may perform all the duties of the Registrar.

R.S.O. 1950,  
c. 167, s. 10,  
subs. 7,  
amended

**4.—**(1) Subsection 7 of section 10 of *The Highway Traffic Act* is amended by inserting after “green” in the sixth line “or amber”, so that the subsection shall read as follows:

Side marker  
lamps

(7) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or com-

ination

ination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 167, s. 10,  
amended

(9a) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp. Vehicles of  
volunteer  
fire fighters  
R.S.O. 1950,  
c. 138

5. Subsection 1 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 167, s. 17,  
subs. 1,  
re-enacted

(1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle. Muffler

(1a) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Fumes from  
engine

6. Section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 167, s. 19,  
amended

(3a) No vehicle, including load or contents, shall have a greater height than 13 feet 6 inches. Height of  
vehicles

7. Section 21 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 167, s. 21,  
amended

(4a) The chief constable of a municipality may authorize any constable on the police force of the municipality to furnish certificates under subsection 4. Chief  
constable  
may delegate  
authority  
under sub-  
section 4

R.S.O. 1950,  
c. 167, s. 25,  
subs. 2,  
amended

8. Subsection 2 of section 25 of *The Highway Traffic Act* is amended by striking out "and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

Unlawful  
possession  
of permit

- (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 1, cl. a,  
subcls. i, ii,  
re-enacted

9.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 28 of *The Highway Traffic Act* are repealed and the following substituted therefor:

- (i) upon a highway not within a city, town, village, police village, built-up area or urban area, or
- (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled-access highway under *The Highway Improvement Act, 1957*, whether or not such highway is within a city, town, village, police village, built-up area or urban area.

1957, c. 43

R.S.O. 1950,  
c. 167, s. 28,  
subs. 1,  
amended

(2) Subsection 1 of the said section 28, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following clause:

- (bb) subject to clause *a*, 40 miles per hour upon a highway within an urban area.

R.S.O. 1950,  
c. 167, s. 28,  
subss. 2b, 3  
(1954, c. 35,  
s. 5, subs. 2),  
re-enacted

(3) Subsection 2*b*, as enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, and subsection 3, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954* and amended by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1956*, of the said section 28 are repealed and the following substituted therefor:

increase in  
built-up  
area or  
urban area

- (2*b*) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven upon a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 for motor vehicles driven upon a highway within a built-up area or urban area, but such increased rate of speed shall not be more than 50 miles per hour.



(2c) No by-law passed under subsection 1a, 2a or 2b shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department. approval of by-laws

(3) Subsections 1, 1a, 2, 2a, 2b, 3a and 3b shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. fire department vehicles

(4) Subsection 3b of the said section 28, as re-enacted by subsection 2 of section 6 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 28, subs. 3b (1957, c. 44, s. 6, subs. 2), re-enacted

(3b) The Lieutenant-Governor in Council may make regulations prescribing a higher or lower rate of speed than the rate of speed prescribed in this Act or any by-law for any class or classes of motor vehicles upon the King's Highway or any part thereof whether or not the King's Highway or the part thereof is within a city, town, village, police village, built-up area or urban area, and such rate of speed may be different for any period or periods of the day or night. on King's Highway

**10.** Subsection 1 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "one year" in the ninth line and inserting in lieu thereof "two years", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 29 (1955, c. 29, s. 4), subs. 1, amended

(1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than two years. Careless driving

**11.—(1)** Clause b of subsection 2 of section 34 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "38,000" in the fifth line and inserting in lieu thereof "40,000", so that the clause shall read as follows: R.S.O. 1950, c. 167, s. 34, subs. 2 (1955, c. 29, s. 5), cl. b, amended

(b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on

the

the rear axle remains constant shall not exceed 40,000 pounds and the weight on one axle shall not exceed 16,000 pounds.

R.S.O. 1950,  
c. 167, s. 34,  
subs. 2  
(1955, c. 29,  
s. 5), cl. c,  
amended

(2) Clause *c* of subsection 2 of the said section 34 is amended by striking out "38,000" in the sixth line and inserting in lieu thereof "40,000", so that the clause shall read as follows:

As to  
weight of  
conversion-  
unit and  
two-axle  
vehicle

(c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 40,000 pounds.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954*, subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1955* and subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out the first four lines and inserting in lieu thereof the following:

Right-of-way

(1) Subject to subsections 3 and 3a, a driver or operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right-of-way to the vehicle on the right.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2, cl. c,  
amended

(2) Clause *c* of subsection 2 of the said section 41 is amended by striking out "immediately before entering the nearest crosswalk at the intersection" in the fifth and sixth lines and inserting in lieu thereof "at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection", so that the clause shall read as follows:

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green

light

light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

(3) Subclause ii of clause *f* of subsection 2 of the said section 41 is amended by striking out "unless he can do so with safety and without interfering with vehicular traffic" in the fifth, sixth and seventh lines and inserting in lieu thereof "until a green light only is shown", so that the subclause shall read as follows:

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2, cl. *f*,  
subcl. ii,  
amended

- (ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights shall not enter the roadway until a green light only is shown.

(4) The said section 41 is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 167, s. 41,  
amended

(2a) Notwithstanding clause *f* of subsection 2,

Pedestrian  
control  
signals

- (a) when a "walk" pedestrian control signal is shown, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right-of-way over all vehicles;

- (b) when a "wait" or "don't walk" pedestrian control signal is shown,

- (i) a pedestrian facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown,

- (ii) a pedestrian proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(5) Subsection 3 of the said section 41, as re-enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 41,  
subs. 3  
(1957, c. 44,  
s. 9, subs. 3),  
re-enacted

- (3) The driver or operator of a vehicle or car of an electric railway,

Full stop  
at through  
highway

(a)

- (a) upon approaching a stop sign at the entrance to a through highway shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) upon entering the through highway shall yield the right-of-way to traffic in the intersection or approaching on the through highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 3a  
(1956, c. 29,  
s. 8, subs. 1),  
re-enacted

(6) Subsection 3a of the said section 41, as enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Yield  
right-of-way  
signs

- (3a) The driver or operator of a vehicle or car of an electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause a of subsection 3 and shall yield the right-of-way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution.

- (a) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950,  
c. 167, s. 41,  
amended

(7) The said section 41 is further amended by adding thereto the following subsections:

When driver  
may pass to  
right of  
vehicle

- (5a) Notwithstanding subsections 10, 11, 12, 15 and 16 and subject to subsection 5b, the driver of a motor vehicle may overtake and pass to the right of another vehicle within a city, town or village only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or

(b)



- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

- (5b) The driver of a motor vehicle shall not overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the roadway.
- May pass to right only under safe conditions

(8) Subsection 11 of the said section 41 is amended by adding at the end thereof "or its driver has signalled his intention to make a left turn", so that the subsection shall read as follows:

R.S.O. 1950, c. 167, s. 41, subs. 11, amended

- (11) Any person so overtaking another vehicle or horse-man shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if the other vehicle is making or about to make a left turn or its driver has signalled his intention to make a left turn.
- Vehicles or horsemen overtaking others

(9) Subsection 13 of the said section 41 is repealed and the following substituted therefor:

R.S.O. 1950, c. 167, s. 41, subs. 13, re-enacted

- (13) A person riding upon a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car upon a roadway.
- Clinging to vehicles

(10) The said section 41 is further amended by adding thereto the following subsection:

R.S.O. 1950, c. 167, s. 41, amended

- (19b) No person shall,
- Opening of doors of motor vehicles
- (a) open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or
  - (b) leave a door of a motor vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.



R.S.O. 1950,  
c. 167, s. 47a  
(1956, c. 29,  
s. 10),  
re-enacted

**13.** Section 47a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Littering  
highway  
prohibited

47a. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway and is liable for a first offence to a penalty of not less than \$5 and not more than \$50; for a second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200 and in addition his licence or permit may be suspended for a period of not more than sixty days.

R.S.O. 1950,  
c. 167, s. 49,  
amended

**14.**—(1) Section 49 of *The Highway Traffic Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

Motor  
owner and  
driver liable  
for penalties

(1) Subject to subsection 2, the owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

R.S.O. 1950,  
c. 167, s. 49,  
amended

(2) The said section 49 is further amended by adding thereto the following subsection:

Owner when  
not driver  
not liable  
for penalties

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any violation of section 28, 29, 30, 31, 32, 41, 41a, 41b, 42, 45, 46 or 110 or any regulation or by-law made or passed thereunder.

R.S.O. 1950,  
c. 167, s. 54a  
(1957, c. 44,  
s. 11),  
re-enacted

**15.** Section 54a of *The Highway Traffic Act*, as re-enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

Suspension  
for driving  
while ability  
impaired  
1953-54,  
c. 51 (Can.)

54a. Subject to section 54b, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

(a)

- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

**16.**—(1) Subsection 1 of section 54b of *The Highway Traffic Act*, as enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is amended by inserting after “under” in the third line “clause a of”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 167, s. 54b  
(1957, c. 44,  
s. 11),  
subs. 1,  
amended

- (1) Where the licence of a person is suspended for a period of one year under clause a of section 54 or of six months under clause a of section 54a by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such a person subject to such conditions as he may deem proper.

Restricted  
licence

(2) Subsection 2 of the said section 54b is amended by inserting after “under” in the sixth line “clause a of”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 167, s. 54b  
(1957, c. 44,  
s. 11),  
subs. 2,  
amended

- (2) Notwithstanding sections 21 and 75, a restricted licence issued under subsection 1 shall authorize the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause a of section 54 or for the last three-month period of the suspension under clause a of section 54a, as the case may be.

Term of  
restricted  
licence

**17.** Subsection 1 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 60,  
re-enacted

- (1) Every provision of a municipal by-law passed by the council of a municipality, a board of com-

Municipal  
by-laws  
approved

missioners of police or the trustees of a police village for,

- (a) regulating traffic on the highways; or
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

that is inconsistent with this Act, is deemed to be repealed and hereafter all by-laws passed for any of the purposes mentioned in clauses *a*, *b* and *c* shall not become operative until approved by the Department.

R.S.O. 1950,  
c. 167, s. 68,  
subs. 2,  
repealed

**18.** Subsection 2 of section 68 of *The Highway Traffic Act* is repealed.

R.S.O. 1950,  
c. 167, s. 71,  
amended

**19.** Section 71 of *The Highway Traffic Act* is amended by striking out "the same calendar year" in the fourth line and inserting in lieu thereof "any twelve-month period", so that the section shall read as follows:

Interpreta-  
tion

71. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first", "second", "third", or "subsequent" shall relate only to offences committed in any twelve-month period; but this shall not apply to offences under the sections referred to in subsection 1 of section 59.

R.S.O. 1950,  
c. 167, s. 78,  
amended

**20.** Section 78 of *The Highway Traffic Act* is amended by striking out "The provisions of this Part and of" in the first line and inserting in lieu thereof "Section 75 and", so that the section shall read as follows:

Exemption  
as to non-  
residents

78. Section 75 and subsection 1 of section 21 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

**21.** Subsection 3 of section 97 of *The Highway Traffic Act*, R.S.O. 1950, c. 167, s. 97, as enacted by section 19 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: subs. 3 (1957, c. 44, s. 19), re-enacted

(3) Unless the owner of a motor vehicle,

Fee to be paid by uninsured owners on issue or transfer of permit  
R.S.O. 1950, c. 183

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses *a* and *b* of section 86; or
- (b) has given a bond as required by clause *b* of subsection 1 of section 87; or
- (c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 87; or
- (d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 87; or
- (e) is a government or other body or person exempt from paying registration fees under the regulations or a municipality,

upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a further fee of \$5 or such other fee as may be prescribed by the Lieutenant-Governor in Council which shall be paid into and form part of the Unsatisfied Judgment Fund.

**22.**—(1) Subsection 1, subsection 1*a* as enacted by sub- R.S.O. 1950, c. 167, s. 98, section 1 of section 20 of *The Highway Traffic Amendment Act, 1953* and amended by subsection 1 of section 20 of *The Highway Traffic Amendment Act, 1957*, subsections 2 and 3, and subsection 4 as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1953*, of section 98 of *The Highway Traffic Act* are repealed and the following substituted therefor: subs. 1, 2-4, re-enacted; subs. 1*a* (1953, c. 46, s. 20, subs. 1), repealed

- (1) Subject to section 99, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or

Application for payment out of Fund

damage



damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals, he may apply for and the Minister shall pay to him the amount of the judgment or of the unsatisfied portion thereof out of the Fund upon the deposit with the Minister of an affidavit of the judgment creditor in the form prescribed by the Lieutenant-Governor in Council.

Determina-  
tion re  
application  
by judge

- (2) Where an application to the Minister is made under subsection 1, the Minister may at any time within thirty days of the receipt of such application apply by way of originating notice to a judge of the Supreme Court for a finding or determination with respect to any matter in connection with the application for payment out of the Fund.

All persons  
reasonably  
liable to be  
sued

- (3) The Minister shall not pay any amount out of the Fund in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Applications  
by insurers  
prohibited

R.S.O. 1950,  
c. 183

- (4) No application shall be made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

R.S.O. 1950,  
c. 167, s. 98,  
subs. 5,  
amended

- (2) Subsection 5 of the said section 98, as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out "under an order" in the first and second lines.

R.S.O. 1950,  
c. 167, s. 98,  
subs. 6,  
amended

- (3) Subsection 6 of the said section 98 is amended by striking out "including costs of the application made under this section" in the second line.



(4) Subsection 7 of the said section 98 is amended by striking out “an order made under this section directs” in the second line and inserting in lieu thereof “an application under this section is for” and by striking out “directed” in the seventh line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 167, s. 98,  
subs. 7,  
amended

(7) Where, by reason of an action having been main- Idem  
tained in part by an insurer, an application under  
this section is for payment out of the Fund of only  
part of the amount of the judgment obtained in the  
action, the Minister shall not pay out of the Fund  
more than that part of the party and party costs  
of the action which bears the same proportion to the  
whole of such costs as the part of the judgment to be  
paid out of the Fund bears to the total amount of  
the judgment.

(5) The said section 98 is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 167, s. 98,  
amended

(8) Where a solicitor has completed the affidavit referred to in subsection 1 and the assignment of judgment and has issued execution and filed it with the sheriff, he shall be entitled to a fee of \$30 out of the Fund, and such fee shall include disbursements.

Solicitor's  
fee

**23.** Subsection 1 of section 100 of *The Highway Traffic Act* is amended by striking out “in compliance with an order made” in the second line.

R.S.O. 1950,  
c. 167, s. 100,  
subs. 1,  
amended

**24.**—(1) Clause *a* of section 101 of *The Highway Traffic Act* is amended by striking out “together with interest thereon at four per cent per annum from the date of such payment” in the second and third lines, so that the clause shall read as follows:

R.S.O. 1950,  
c. 167, s. 101,  
cl. *a*,  
amended

(a) repaid in full to the Fund the amount paid out; and

. . . . .

(2) Subsection 1 does not affect any interest accrued up to the day this section comes into force.

Effect of  
subs. 1

**25.** Subsection 1 of section 102 of *The Highway Traffic Act* is amended by adding after “notice” in the seventh line “provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar”, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950,  
c. 167, s. 102,  
subs. 1,  
amended

Where  
identity of  
vehicle  
cannot be  
established

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of Motor Vehicles, apply by way of originating notice, provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar,

. . . . .

R.S.O. 1950,  
c. 167,  
amended

**26.** *The Highway Traffic Act* is amended by adding thereto the following section:

Demerit  
point  
system

114. The Lieutenant-Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Department to show cause why his licence should not be cancelled or suspended.

R.S.O. 1950,  
c. 167,  
amended

**27.** *The Highway Traffic Act* is amended by adding thereto the following section:

Driving  
instructor  
defined

- 115.—(1) In this section, “driving instructor” means a person who teaches persons to operate motor vehicles and receives compensation therefor.

Regulations

- (2) The Lieutenant-Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

Conflict  
between  
section and  
by-law

- (3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this Act and the regulations prevail.

1957, c. 44,  
s. 9, subs. 4,  
repealed

**28.**—(1) Subsection 4 of section 9 of *The Highway Traffic Amendment Act, 1957* is repealed.

1957, c. 44,  
s. 23,  
subs. 3,  
repealed

(2) Subsection 3 of section 23 of *The Highway Traffic Amendment Act, 1957* is repealed.

**29.** Sections 7 and 8, subsections 3 and 4 of section 9, and sections 11, 17, 18 and 24 come into force on the day this Act receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>

**30.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1958.*



## CHAPTER 37

**An Act to provide for the  
Services of Homemakers and Nurses**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "child" means a person under sixteen years of age;
- (b) "Director" means Director of Homemakers and Nurses Services of the Department of Public Welfare;
- (c) "Minister" means Minister of Public Welfare;
- (d) "municipal welfare administrator" means a person appointed as such under this Act;
- (e) "physician" means duly qualified medical practitioner;
- (f) "regional welfare administrator" means a person employed as such by the Department of Public Welfare;
- (g) "regulations" means regulations made under this Act.

**2.** The Director shall,Duties of  
Director

- (a) exercise general supervision over the administration of this Act and the regulations; and
- (b) advise regional welfare administrators, municipal welfare administrators and others as to the manner in which their duties under this Act are to be performed.



Appoint-  
ment of  
municipal  
welfare  
administra-  
tor

3. The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator for the purposes of this Act.

Power to  
take  
affidavits

4. The Director, every regional welfare administrator and every municipal welfare administrator is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

R.S.O. 1950,  
c. 57

Local  
administra-  
tion

5.—(1) The council of any city, town, village or township may employ homemakers or nurses, or both, for the purposes of this Act or may enter into agreement with any organization that is approved by the Minister under which the organization undertakes to furnish homemakers or nurses, or both, for the purposes of this Act.

County  
administra-  
tion

(2) Instead of the local municipalities that are within a county for municipal purposes furnishing services under this Act independently of one another, the council of the county may exercise the powers mentioned in subsection 1 and furnish such services in all such local municipalities, except that any such local municipality that has a population of more than 5,000 according to its last revised assessment roll may by agreement with the county furnish such services independently of the county.

Home-  
makers  
services

6. The services of a homemaker may be furnished under this Act,

- (a) for households in which there is a child who might otherwise be cared for in other than his own home during the temporary absence, illness or convalescence of his mother or other person in whose charge he is, where an adult is available to furnish any care that the child may require when the homemaker is not on duty; or
- (b) for a person who is elderly, handicapped, ill or convalescent and who requires such services on a part-time or visitation basis in order that he may remain in his own home, where an adult is available to furnish any care that he may require when the homemaker is not on duty.

Nurses  
services

7. The services of a nurse may be furnished under this Act on a visitation basis, in the home of a person who is elderly, handicapped, ill or convalescent, where a physician certifies that such services are necessary to enable the person to remain in his own home or to make possible his return to his home from a hospital or other institution.

**8.** Application for the services of a homemaker or a nurse under this Act shall be made, where the person applying for the service resides in a municipality to the municipal welfare administrator of that municipality or, where the person applying for the service resides in territory without municipal organization, to the regional welfare administrator of that territory. Application for service

**9.—**(1) Where the services of a homemaker or nurse are furnished under this Act, the person who has applied therefor shall pay the fees for such services for so long as and to the extent that his financial circumstances permit as determined by the regulations. Payment for services

(2) Where the person's financial circumstances as determined by the regulations do not permit him to pay in full the fees for such services, they may, with the approval of the regional welfare administrator, be paid for in whole or in part by the municipality, in which case the percentage fixed by the regulations of the amount so paid shall be reimbursed to the municipality by the Province in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province in accordance with the regulations. Idem

**10.** The provincial contribution to the cost of furnishing services under this Act and the expenses of the administration of this Act and the regulations are, until the 31st day of March, 1959, payable out of the Consolidated Revenue Fund and thereafter are payable out of the moneys appropriated therefor by the Legislature. Moneys for purposes of Act

**11.** The Lieutenant-Governor in Council may make regulations, Regulations

- (a) defining homemaking services and nursing services;
- (b) prescribing the qualifications of homemakers and nurses;
- (c) establishing courses of instruction for homemakers and providing for the granting of certificates to those who have satisfactorily completed the course of instruction;
- (d) adding to or extending the conditions under which services may be furnished;
- (e) adding to or extending the classes of persons to whom services may be furnished;

(f)

- (f) fixing the percentage of the amount and prescribing the manner of computing the amount paid by a municipality that will be reimbursed by the Province under section 9;
- (g) prescribing residence qualifications for applicants or recipients;
- (h) defining "residence", "reside" and similar expressions and the expression "municipality to which an applicant for or a recipient of services belongs", and for requiring a municipality to which an applicant for or a recipient of services belongs to reimburse the municipality that has paid a part of the cost of the services and providing for such reimbursement;
- (i) prescribing the conditions, terms and manner under which claims may be submitted by municipalities to the Province for reimbursement of moneys under section 9;
- (j) prescribing maximum fees for services to which the Province may contribute;
- (k) prescribing the maximum financial circumstances of applicants for or recipients of services to which the Province may contribute to the cost;
- (l) providing for and requiring inspection of the records and accounts of municipalities that pertain to cases under this Act to which the Province may contribute to the cost;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter deemed necessary or advisable for the effective carrying out of the provisions of this Act.

Commence-  
ment

**12.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**13.** This Act may be cited as *The Homemakers and Nurses Services Act, 1958*.

## CHAPTER 38

**An Act to amend  
The Homes for the Aged Act, 1955**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Homes for the Aged Act, 1955* is repealed<sup>1955, c. 30,  
s. 3,  
re-enacted</sup> and the following substituted therefor:

3. A municipality that has a population of more than 15,000 and that is located in a territorial district<sup>Homes and  
joint  
homes in  
territorial  
districts</sup> may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may enter into an agreement to establish and maintain a joint home.

**2.** Section 9 of *The Homes for the Aged Act, 1955* is repealed<sup>1955, c. 30,  
s. 9,  
re-enacted</sup> and the following substituted therefor:

9.—(1) A building shall not be acquired, erected or altered for use as a home or joint home until the site<sup>Site and  
plans, etc.,  
to be  
approved</sup> and plans therefor have been approved by the Minister.

(2) There shall be no change in site and no sale or disposal<sup>Idem</sup> of any portion thereof and no alteration to or in any building or to the grounds of the home or joint home without the approval of the Minister.

**3.** Subsection 2 of section 15 of *The Homes for the Aged Act, 1955*, as re-enacted by section 1 of *The Homes for the Aged Amendment Act, 1957*, is repealed and the following substituted therefor:<sup>1955, c. 30,  
s. 15, subs. 2  
(1957, c. 45,  
s. 1),  
re-enacted</sup>

(2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay monthly out of the<sup>Province  
to share  
cost</sup> moneys appropriated therefor by the Legislature to the municipality or to the treasurer of the home or

joint



joint home, as the case may be, an amount comprising the percentage of the cost thereof prescribed in the regulations, to be computed in the manner prescribed by the regulations.

1955, c. 30,  
s. 23,  
subss. 1, 2,  
re-enacted

**4.**—(1) Subsection 1, as amended by section 4 of *The Homes for the Aged Amendment Act, 1956*, and subsection 2 of section 23 of *The Homes for the Aged Act, 1955* are repealed and the following substituted therefor:

Provincial  
subsidy on  
capital  
expenditures

(1) When the Minister grants his approval under section 9 to the acquisition, erection or alteration of a building for use as a home or joint home, or to an alteration to or in any building or to the grounds of the home or joint home or when the home or joint home incurs such other capital expenditures as are prescribed in the regulations, the Lieutenant-Governor in Council may direct payment out of moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost thereof to the treasurer of the home or joint home.

When  
payable

(2) Payments under subsection 1 in respect of a new building or the alteration of a building by an addition or extension may be made either when the building or alteration is completed and ready for occupancy or from time to time during the construction thereof in the manner prescribed by the regulations.

1955, c. 30,  
s. 23, subs. 3,  
amended

(2) Subsection 3 of the said section 23 is amended by inserting after "building" in the first line "or the alteration of a building by an", so that the subsection shall read as follows:

What to be  
included  
and excluded  
in  
computing  
cost

(3) In computing the amount of the cost of the new building or the alteration of a building by an addition or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of fifteen acres and the cost of any barns or other similar outbuildings shall not be included.

1955, c. 30,  
ss. 24, 25,  
re-enacted

**5.** Section 24, as amended by section 5 of *The Homes for the Aged Amendment Act, 1957*, and section 25 of *The Homes for the Aged Act, 1955* are repealed and the following substituted therefor:

Provincial  
subsidy on  
operating  
costs

24. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount equal to the percentage prescribed in the regulations of any operating or maintenance cost of the home or joint home computed in the manner prescribed in the regulations.



25. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization.

6.—(1) Clause *e* of section 26 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor:

- (e) prescribing the percentage of any operating or maintenance cost of homes and joint homes that will be paid by the Province under section 24;
- (ee) prescribing the manner of computing the operating and maintenance costs of homes and joint homes for the purposes of section 24.

(2) The said section 26, as amended by section 6 of *The Homes for the Aged Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (ff) prescribing capital expenditures for the purpose of subsection 1 of section 23 and the method, time and manner of payment under subsection 2 of section 23.

(3) Clause *j* of the said section 26, as amended by section 6 of *The Homes for the Aged Amendment Act, 1957*, is repealed and the following substituted therefor:

- (j) prescribing the percentage of any cost of maintenance of persons placed in special-home care to be paid by the Province and the method, time and manner of payment;
- (jj) prescribing the manner of computing the cost of maintenance of persons placed in special-home care for the purposes of section 15.

(4) The said section 26 is further amended by adding thereto the following subsection:

- (2) The Lieutenant-Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act.

Commence-  
ment

**7.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

**8.** This Act may be cited as *The Homes for the Aged Amendment Act, 1958*.

## CHAPTER 39

**An Act to amend  
The Hospital Services Commission Act, 1957**

*Assented to, except Subs. 1 of Sec. 6, March 27th, 1958*

*Subs. 1 of Sec. 6 Assented to February 20th, 1958*

*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Hospital Services Commission Act, 1957* is amended by adding thereto the following subsection: 1957, c. 46,  
s. 3,  
amended

- (4) In case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have the powers of the chairman. Acting  
chairman

**2.** Section 6 of *The Hospital Services Commission Act, 1957* is repealed and the following substituted therefor: 1957, c. 46,  
s. 6,  
re-enacted

6.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, Officers  
and  
employees

- (a) establish job classifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications and salary ranges so approved; and

- (b) pay supplementary benefits to or for the credit of an officer or employee in addition to the remuneration payable under clause a.

(2) The Commission may establish the terms and conditions of employment for its officers and employees and, if necessary, make any payments required by such terms and conditions. Terms of  
employment

(3) Part II of *The Public Service Act* applies to the permanent staff of the Commission, except the staff members provided for in subsection 4, as though the Employees'  
super-  
annuation  
benefits  
R.S.O. 1950  
c. 317

Commission had been designated by the Lieutenant-Governor in Council under section 36 of that Act, and all contributions and credits of persons appointed to the permanent staff of the Commission accumulated under Part II of that Act are preserved and continued.

Employees  
transferred  
from O.H.A.

- (4) The Commission may enter into agreements to establish and provide for any person transferred on or before the 1st day of January, 1959, to the staff of the Commission from the staff of the Ontario Hospital Association a pension and welfare plan providing for the continuation of benefits the same as or equivalent to those enjoyed by the Association's staff under the agreement for that purpose dated the 1st day of January, 1954, to which the Association is a party, and may pay the employer's share of the cost of such a plan.

Vacation  
and sick  
leave  
credits

- (5) The Commission may,
- (a) provide a system of cumulative vacation and sick leave credits for the regular attendance of its officers and employees, and such credits shall not be less than the credits provided under Part I of *The Public Service Act*; and
  - (b) pay to an officer or employee having more than five years service who ceases to be a member of the staff of the Commission, or to his personal representative or, failing a personal representative, to such other person as the Commission may determine, an amount for his accumulated vacation and sick leave credits computed in the manner prescribed by Part I of *The Public Service Act*.

R.S.O. 1950,  
c. 317

Transfer  
of credits

- (6) The Commission may credit each person who is transferred to the staff of the Commission with all vacation and sick leave credits accumulated for regular attendance standing to the credit of that person by virtue of any regulation under *The Public Service Act*, and provide for the payment for such credits in accordance with subsection 5.

Retirement  
fund  
benefits

- (7) All contributions and credits accumulated in the Public Service Retirement Fund under Part III of *The Public Service Act* by any person who becomes a member of the temporary or permanent staff of the Commission shall be transferred to the credit of that person for superannuation purposes.

(8) The Commission may grant to an officer or an em- <sup>Leave</sup>  
 ployee of the Commission leave of absence with or  
 without pay for the purpose of taking a course of  
 training or for any reason deemed sufficient by the  
 Commission and, where the leave is with pay, the  
 Commission may in its discretion charge such leave  
 against the sick leave credits of the person.

(9) Every person who is entrusted by the Commission <sup>Security</sup>  
 with the custody or control of money in the course <sup>by</sup>  
 of his employment shall give security in the manner <sup>officers</sup>  
 and form provided by *The Public Officers Act*. <sup>R.S.O. 1950,  
 c. 311</sup>

**3.**—(1) Clause *c* of section 7 of *The Hospital Services Com-* <sup>1957, c. 46,  
*mission Act, 1957* is repealed and the following substituted <sup>s. 7, cl. *c*,  
 re-enacted</sup>  
 therefor:</sup>

(*c*) to determine the amount of and pay grants for  
 hospital construction and maintenance.

(2) The said section 7 is amended by relettering clause *f* <sup>1957, c. 46,  
 s. 7,  
 amended</sup>  
 as clause *g* and by adding thereto the following clause:

(*f*) to administer and enforce *The Public Hospitals Act*, <sup>1957,  
 cc. 98, 94</sup>  
 1957, and the regulations thereunder, and *The*  
*Private Hospitals Act, 1957*, and the regulations  
 thereunder.

**4.** Section 13 of *The Hospital Services Commission Act, 1957* <sup>1957, c. 46,  
 s. 13,  
 amended</sup>  
 is amended by inserting after “into” in the second line “and  
 amend from time to time”, so that the section shall read as  
 follows:

13. The Government of Ontario, represented by the <sup>Ontario-  
 Canada</sup>  
 Treasurer of Ontario, may enter into and amend <sup>agreement  
 authorized</sup>  
 from time to time an agreement with the Government  
 of Canada under which Canada will contribute to  
 the cost of the plan of hospital care insurance pro-  
 vided for in this Part in accordance with such terms  
 and conditions as the agreement may provide.

**5.**—(1) Clause *b* of section 14 of *The Hospital Services* <sup>1957, c. 46,  
 s. 14, cl. *b*,  
 re-enacted</sup>  
*Commission Act, 1957* is repealed and the following substituted  
 therefor:

(*b*) to determine the amounts to be paid to hospitals  
 and to pay hospitals for insured services provided  
 to insured persons under the plan of hospital care  
 insurance and to make retroactive adjustments with  
 hospitals for underpayment or overpayment for

insured



insured services according to the cost as determined in accordance with this Act and the regulations.

1957, c. 46,  
s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following clauses:

- (e) to control charges made to all patients by hospitals in Ontario to which payments are made under the plan of hospital care insurance;
- (f) to enter into agreements with hospitals outside Ontario and with other governments and hospital care insurance authorities established by other governments for providing insured services to insured persons;
- (g) to prescribe forms necessary or desirable to carry out the intent and purpose of this Act;
- (h) to borrow money upon the security of its own obligations upon the consent of the Treasurer of Ontario;
- (i) to appoint inspectors with the duty and power to inspect and examine books, accounts and records of employers and collectors for the purpose of obtaining information related to the hospital insurance plan;
- (j) to appoint medical practitioners with the duty and power to examine and obtain information from the medical and other hospital records, reports and accounts of patients who are receiving or have received insured services;
- (k) to withhold payment for insured services for any person who does not, in the opinion of the Commission, medically require such services.

1957, c. 46,  
s. 14,  
amended

(3) The said section 14 is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 337 not  
to apply

(2) *The Regulations Act* does not apply to anything done by the Commission under subsection 1.

1957, c. 46,  
s. 15, cl. a,  
amended

**6.**—(1) Clause *a* of section 15 of *The Hospital Services Commission Act, 1957* is amended by striking out “in accordance with the agreement mentioned in section 13” in the first, second and third lines, so that the clause shall read as follows:

(a) establishing a plan of hospital care insurance.

(2) Clauses *c*, *d* and *e* of the said section 15 are repealed<sup>1957, c. 46, s. 15,</sup>  
and the following substituted therefor:<sup>cls. *c*, *d*, *e*,  
re-enacted</sup>

- (*c*) defining words used in the Act for the purposes of the Act and the regulations;
- (*d*) approving hospitals for the purposes of the plan of hospital care insurance;
- (*e*) designating classes of insured persons and prescribing the conditions for participation of any class;
- (*f*) fixing municipal responsibility for a portion of the cost of insured services for recipients of public assistance, but the portion shall not exceed the rates established for municipal liability for indigents by *The Public Hospitals Act, 1957*;<sup>1957, c. 98</sup>
- (*g*) making such arrangements as are necessary to ensure that adequate standards are maintained in hospitals;
- (*h*) providing for the admission, discipline and discharge of patients or any class of patients in hospitals in Ontario to which hospitals payments are made under the plan of hospital care insurance;
- (*i*) prohibiting or restricting the making and renewing of contracts to provide a resident with or reimbursing or indemnifying a resident for the cost of insured services, and regulating the making and renewing of contracts of insurance and prepayment plans with residents to provide any benefits related directly or indirectly to hospitalization or to the length of time a person is in hospital;
- (*j*) prohibiting payment by insurers of the cost of any insured services and the provision of any benefit related directly or indirectly to hospitalization or to the length of time a person is in hospital;
- (*k*) regulating insurance contracts that provide hospital insurance benefits supplementary to those made available under this Act and the regulations;
- (*l*) subrogating the Commission to any right of recovery by an insured person in respect of any injury or disability and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;
- (*m*) providing for payment to the Commission by an insurer of the amount of a claim in respect of the

cost

cost of insured services that would otherwise be payable to an insured person;

- (n) establishing The Hospital Services Commission Fund and providing for the operation of the Fund, for deposits into and withdrawals from the Fund and for the investing of any surplus moneys in the Fund which are not necessary for the current requirements of the Commission; and
- (o) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

1957, c. 46,  
s. 15,  
amended

(3) The said section 15 is amended by adding thereto the following subsection:

Application  
of  
regulations

- (2) Any regulation may be limited in its application in time, place, persons or things and may be retroactive in its operation.

1957, c. 46,  
amended

7. *The Hospital Services Commission Act, 1957* is amended by adding thereto the following sections:

Liability  
limited

- 15a. The Commission is not liable for any act or omission of any hospital official, any person on the medical staff or nursing staff of a hospital, or any employee or agent of a hospital.

Offences  
and  
penalties

- 15b.—(1) No person shall knowingly obtain or receive the benefit of insured services that he is not entitled to obtain or receive under this Act and the regulations.

Idem

- (2) No person shall knowingly aid or abet another person to obtain or receive insured services that such other person is not entitled to obtain or receive under this Act and the regulations.

Idem

- (3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for a term of not more than six months or to both fine and imprisonment.

Idem

- 15c. Every person who obstructs an inspector or a medical practitioner in the performance of his duties under this Act and the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months or to both fine and imprisonment.

- 15d. Every person who contravenes any provision of this <sup>Idem</sup> Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$200.

### PART III

#### TUBERCULOSIS AND MENTAL ILLNESS

- 15e. In this Part, "hospital" means a sanitarium licensed <sup>Interpre-</sup> under *The Private Sanitaria Act* that is approved <sup>tation</sup> by the Commission for the purposes of this Part, a <sup>R.S.O. 1950,</sup> psychiatric hospital established under *The Psy-* <sup>c. 290, 301,</sup> *chiatric Hospitals Act*, an institution designated by <sup>229, 346</sup> the regulations under *The Mental Hospitals Act*, or a sanatorium established under *The Sanatoria for Consumptives Act*.

- 15f.—(1) An insured person who is entitled to insured <sup>Insured</sup> services under the plan of hospital care insurance <sup>persons</sup> and who is admitted to a hospital under this Part <sup>entitled</sup> is entitled to such services as are required for his maintenance, care, diagnosis and treatment in accordance with this Act and the regulations without being required to pay or have paid on his behalf any additional premium or other charge beyond that necessary to entitle him to insured services under the plan of hospital care insurance.

- (2) Notwithstanding subsection 1, an insured person in <sup>Exception</sup> respect of whom, but for this Act, the Government of Canada would have assumed the cost of the maintenance, care, diagnosis and treatment provided under this Part is not entitled to receive insured services in a hospital as an insured person.

- (3) Subsection 2 does not apply to a veteran entitled <sup>Benefits</sup> to benefits under the *War Veterans Allowance Act*, <sup>received</sup> 1952 (Canada) for whom the Government of Canada <sup>under</sup> <sup>R.S.C. 1952,</sup> pays the premium required by the regulations, unless <sup>c. 340</sup> the veteran is under treatment for a pensionable disability.

- 15g. The Commission shall keep the accounts, if any, of <sup>Accounts</sup> insured persons who receive insured services under this Part separate from the accounts of patients who receive insured services under Part II.

8. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

9. This Act may be cited as *The Hospital Services Commis-* <sup>Short title</sup> *sion Amendment Act, 1958.*





## CHAPTER 40

**An Act to amend  
The Housing Development Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Housing Development Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 174,  
amended

6c.—(1) With the approval of the Lieutenant-Governor in Council, a corporation incorporated under subsection 2 of section 6, if requested by the municipality in which the corporation exercises its powers, may inquire into any matter relating to housing conditions or a building development in the municipality and report thereon to the municipality with its recommendations. Inquiry  
by manage-  
ment  
corporation

(2) The municipality at whose request an inquiry is made under subsection 1 may pay all or any part of the expenses incurred by the corporation with respect to such inquiry. Payment  
of  
expenses

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Housing Development Amendment Act, 1958*. Short title



## CHAPTER 41

**An Act to amend  
The Indian Welfare Services Act, 1955**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Indian Welfare Services Act, 1955* is <sup>1955, c. 33,</sup> amended by striking out "*The Mothers' Allowances Act, 1952*" <sup>s. 2,</sup> amended in the third and fourth lines, so that the section shall read as follows:

2. Every Indian resident in Ontario is entitled to the benefits of *The Blind Persons' Allowances Act, 1951*, <sup>Indians eligible for welfare benefits</sup> *The Disabled Persons' Allowances Act, 1955* and *The Old Age Assistance Act, 1951* to the same extent <sup>1951 (2nd Sess.), c. 1; 1955, c. 17; 1951 (2nd Sess.), c. 2</sup> as any other person.

**2.** *The Indian Welfare Services Act, 1955* is amended by <sup>1955, c. 33,</sup> adding thereto the following section: <sup>amended</sup>

- 2a. An allowance under *The Mothers' and Dependent Children's Allowances Act, 1957* may be paid to an <sup>Mothers' allowances</sup> Indian mother of a dependent child where the mother is a widow or where her husband is a dependent father within the meaning of that Act. <sup>1957, c. 73</sup>

**3.** Section 3 of *The Indian Welfare Services Act, 1955* is <sup>1955, c. 33,</sup> amended by adding thereto the following clause: <sup>s. 3, amended</sup>

- (bb) respecting the payment of the cost of providing general welfare assistance for Indians.

**4.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**5.** This Act may be cited as *The Indian Welfare Services* <sup>Short title</sup> *Amendment Act, 1958.*



## CHAPTER 42

## An Act to amend The Insurance Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause i of clause a of subsection 1 of section 105 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 183, s. 105  
(1956, c. 32,  
s. 9), subs. 1,  
cl. a,  
subcl. i,  
re-enacted

- (i) in the case of goods, their undergoing any process involving the application of heat.

(2) Subsection 2 of the said section 105 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 183, s. 105  
(1956, c. 32,  
s. 9), subs. 2,  
re-enacted

- (2) A contract to which this Part applies covers the insured property against loss or damage caused by fire or explosion within the meaning of subsection 1 resulting from nuclear reaction or nuclear radiation, but, unless the contract otherwise specifically provides, the insured property is not covered against loss or damage caused by heat or energy alone that was created by nuclear reaction or nuclear radiation.

Coverage  
where  
damage  
from  
nuclear  
reaction

- (2a) Unless a contract to which this Part applies otherwise specifically provides, it does not cover the insured property against loss or damage caused by contamination by radioactive material directly or indirectly resulting from fire, lightning or explosion within the meaning of subsection 1.

Radio-  
active  
contami-  
nation

**2.** *The Insurance Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 183,  
amended

- 108b. In case a party fails to name an appraiser under statutory condition 11 of section 108a within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an

Naming of  
appraisers  
under  
statutory  
condition 11



umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting or dies, a judge of the county or district court of the county or district in which the appraisal is to be made may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.

R.S.O. 1950,  
c. 183, s. 126,  
subs. 1,  
amended

3. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the table and inserting in lieu thereof the following:

TABLE

Where the total amount at risk is less than \$5,000,000....	\$4,000
Where the total amount at risk is \$5,000,000 or more but less than \$10,000,000.....	6,000
Where the total amount at risk is \$10,000,000 or more...	8,000

R.S.O. 1950,  
c. 183, s. 257,  
repealed

4. Section 257 of *The Insurance Act* is repealed.

R.S.O. 1950,  
c. 183, s. 290,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 290 of *The Insurance Act* is amended by inserting after "Act" in the fourth line "to the regulations", so that the subsection shall read as follows:

Licensing  
agent

(1) The Superintendent may issue to any person who has complied with the requirements of this Act a licence authorizing such person to carry on business as an insurance agent subject to this Act, to the regulations and to the terms of the licence.

R.S.O. 1950,  
c. 183, s. 290,  
subs. 8, cl. a,  
re-enacted

(2) Clause *a* of subsection 8 of the said section 290 is repealed and the following substituted therefor:

(a) has violated any provision of this Act or the regulations in his operations as an insurance agent.

R.S.O. 1950,  
c. 183, s. 290,  
subs. 11,  
repealed

(3) Subsection 11 of the said section 290 is repealed.

R.S.O. 1950,  
c. 183, s. 290,  
subs. 21,  
re-enacted

(4) Subsection 21 of the said section 290 is repealed and the following substituted therefor:

Regulations

(21) The Lieutenant-Governor in Council may make regulations,

(a) prescribing requirements, qualifications and conditions for the granting or renewal of licences;

(b) providing for the holding of examinations for applicants for licences or renewals of licences;

(c) classifying applicants for licences and restricting or prohibiting the licensing of any class of applicant;

(d)

- (d) prescribing the grounds upon which a licence may be revoked, suspended or not renewed;
- (e) regulating the method of handling premiums collected and requiring and regulating accounts and records to be maintained by agents;
- (f) requiring agents to supply information and make returns to the Superintendent;
- (g) requiring an agent to furnish a bond or other security and fixing the amount, form, requirements and terms thereof;
- (h) prescribing forms and providing for their use; and
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.

(21a) Regulations made under subsection 21 shall be in <sup>Scope of regulations</sup> addition to the provisions of this section notwithstanding that the regulations concern a matter provided for in this section.

**6.**—(1) This Act, except sections 1, 2 and 4, comes into <sup>Commence-</sup>force on the day it receives Royal Assent.  
<sub>ment</sub>

(2) Sections 1, 2 and 4 come into force on a day to be named <sup>Idem</sup> by the Lieutenant-Governor by his Proclamation.

**7.** This Act may be cited as *The Insurance Amendment Act*, <sup>Short title</sup> 1958.



## CHAPTER 43

## An Act to amend The Interpretation Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 31 of *The Interpretation Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 184, s. 31,  
cl. *j*, re-  
enacted

(*j*) "Her Majesty", "His Majesty", "the Queen", "the King" or "the Crown" means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, and Head of the Commonwealth.

**2.** This Act may be cited as *The Interpretation Amendment Act, 1958*.

Short title





## CHAPTER 44

## An Act to amend The Investigation of Titles Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1a of section 2 of *The Investigation of Titles Act*, as enacted by section 1 of *The Investigation of Titles Amendment Act, 1957*, is amended by striking out "*The Certification of Plans of Subdivision Act, 1957*" in the second and third lines and inserting in lieu thereof "*The Certification of Titles Act, 1958*", so that the subsection shall read as follows:

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Titles Act, 1958* or *The Quieting Titles Act* within the period of forty years mentioned in subsection 1.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Investigation of Titles Amendment Act, 1958*.



## CHAPTER 45

## An Act to amend The Jails Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Jails Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 188, s. 1,  
cl. *a*,  
re-enacted

(*a*) "Deputy Minister" means Deputy Minister of Reform Institutions.

**2.** Section 4 of *The Jails Act* is amended by striking out "an inspector" in the second line and inserting in lieu thereof "the Deputy Minister", so that the section shall read as follows:

R.S.O. 1950,  
c. 188, s. 4,  
amended

**4.** Any person imprisoned in a lock-up in a district may be transferred by order of the Deputy Minister to the common jail in the district town of the district.

Transfer  
from lockup  
to common  
jail

**3.** Section 6 of *The Jails Act* is repealed.

R.S.O. 1950,  
c. 188, s. 6,  
repealed

**4.** Section 7 of *The Jails Act* is amended by striking out "inspector" where it occurs in the second and sixth lines respectively and inserting in lieu thereof "Minister", so that the section shall read as follows:

R.S.O. 1950,  
c. 188, s. 7,  
amended

**7.** Every jail shall be constructed and built according to a plan approved by the Minister, and sanctioned by the Lieutenant-Governor in Council, and no jail built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Minister, shall be deemed to be in law the jail of such county.

Plans for  
jails

**5.** Section 8 of *The Jails Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the section, exclusive of the clauses, shall read as follows:

R.S.O. 1950,  
c. 188, s. 8,  
amended

Consideration of plans

8. The Deputy Minister, before deciding upon the plan of a jail most proper to be adopted, or approving a jail after its completion, shall take into consideration,

. . . . .

R.S.O. 1950, c. 188, s. 9, subs. 1, amended

- 6.—(1) Subsection 1 of section 9 of *The Jails Act* is amended by striking out “inspector” in the first line and inserting in lieu thereof “Deputy Minister”, so that the subsection shall read as follows:

Unfit jails

- (1) If the Deputy Minister at any time finds that the common jail in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with section 8, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

R.S.O. 1950, c. 188, s. 9, subs. 2, amended

- (2) Subsection 2 of the said section 9 is amended by striking out “inspector” in the second line and inserting in lieu thereof “Deputy Minister”, so that the subsection shall read as follows:

Conference with Deputy Minister

- (2) The council shall thereupon appoint a special committee to confer with the Deputy Minister, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

R.S.O. 1950, c. 188, s. 9, subs. 3, amended

- (3) Subsection 3 of the said section 9 is amended by striking out “inspector” in the first line and inserting in lieu thereof “Deputy Minister”, so that the subsection shall read as follows:

Case of disagreement

- (3) If the Deputy Minister and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

R.S.O. 1950, c. 188, s. 9, subs. 5, amended

- (4) Subsection 5 of the said section 9 is amended by striking out “inspector” in the first line and inserting in lieu thereof “Deputy Minister”, so that the subsection shall read as follows:

Repairs to be proportioned to circumstances and resources of council

- (5) The Deputy Minister and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or

additions,

additions, have due regard to the plan of the jail and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit.

**7.** Section 10 of *The Jails Act* is repealed.

R.S.O. 1950,  
c. 188, s. 10,  
repealed

**8.** Subsection 1 of section 11 of *The Jails Act* is amended by striking out "four" in the third line and inserting in lieu thereof "six" and by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 188, s. 11,  
subs. 1,  
amended

- (1) Where the number of prisoners confined in the jail of any county during two years does not exceed on an average six *per diem* for either of such years and the Deputy Minister reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the jail of an adjoining county, the council of the first-mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the jail of the adjoining county.

Transfer of  
prisoners

**9.**—(1) Subsection 1 of section 13 of *The Jails Act* is amended by striking out "unless there is direct railway communication between the county towns of the two counties, nor until the inspector" in the second and third lines and inserting in lieu thereof "until the Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 188, s. 13,  
subs. 1,  
amended

- (1) No such first-mentioned proclamation shall be issued until the Deputy Minister has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first-mentioned county or in custody prior to their committal for trial or pending their removal to the county jail, reformatory or penitentiary has been provided in or near the county town of the first-mentioned county.

Prerequi-  
sites to  
sanction

(2) Subsection 2 of the said section 13 is amended by striking out "or the sheriff in charge" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 188, s. 13,  
subs. 2,  
amended

- (2) Nothing in this section shall prevent the imprisonment of any such prisoner in the jail of the adjoining county where the committing magistrate deems it expedient that he should be imprisoned therein.

Magistrate  
may commit  
to jail of  
adjoining  
county



R.S.O. 1950,  
c. 188, s. 13,  
subs. 3,  
amended

(3) Subsection 3 of the said section 13 is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Lock-up

(3) The lock-up may be either the building theretofore used as the jail of the first-mentioned county or part thereof or some other building approved by the Deputy Minister.

R.S.O. 1950,  
c. 188, s. 15,  
amended

**10.** Section 15 of *The Jails Act* is amended by striking out "and if the county council fails so to keep the same, the sheriff shall at the cost of the county do what is necessary in that behalf" in the third, fourth and fifth lines, so that the section shall read as follows:

Duty of  
county  
council as  
to lock-up

15. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners.

R.S.O. 1950,  
c. 188, s. 18,  
subs. 2,  
amended

**11.**—(1) Subsection 2 of section 18 of *The Jails Act* is amended by striking out "inspector" in the fifth line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Cost of  
maintenance  
of prisoner

(2) The cost of the maintenance of a prisoner transferred under this section shall be paid and borne by the corporation of the county from the jail of which he is transferred, and in case of dispute as to the amount which is payable, shall be determined by the Deputy Minister.

R.S.O. 1950,  
c. 188, s. 18,  
subss. 3, 4,  
repealed

(2) Subsections 3 and 4 of the said section 18 are repealed.

R.S.O. 1950,  
c. 188, s. 20,  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 20 of *The Jails Act* is amended by striking out "inspector" in the eighth line and inserting in lieu thereof "Chief Inspector of the Department of Reform Institutions", so that the subsection shall read as follows:

Appoint-  
ment of  
bailiffs

(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common jails of Ontario or other place of custody and liable to be removed from thence to any provincial institution in which the person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Chief Inspector of the Department of Reform Institutions.

(2) Subsection 2 of the said section 20 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows: R.S.O. 1950,  
c. 188, s. 20,  
subs. 2,  
amended

- (2) The Deputy Minister may authorize the employment of a suitable person to act as a temporary bailiff, and a temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Minister may direct. Temporary  
bailiffs

**13.** Section 21 of *The Jails Act* is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the section shall read as follows: R.S.O. 1950,  
c. 188, s. 21,  
amended

21. Any such bailiff may convey any person from the jail or other place of custody to such provincial institution without further authority than the warrant of the Deputy Minister, which shall be issued in duplicate, and the person shall be received into the institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. Warrant  
for  
removal

**14.** Section 23 of *The Jails Act* is amended by striking out "sheriff or" in the first line, so that the section shall read as follows: R.S.O. 1950,  
c. 188, s. 23,  
amended

23. The bailiff shall give to the jailer one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up the person with the other duplicate to the superintendent or other official head of the provincial institution, who shall give his receipt in writing for every person so received by him to the bailiff, and every such person shall be kept in the institution until discharged by due course of law or removed under competent authority. Bailiffs to  
give and  
take receipts  
for persons  
in their  
charge

**15.** Section 24 of *The Jails Act* is repealed.

R.S.O. 1950,  
c. 188, s. 24,  
repealed

**16.** Subsection 2 of section 11 and section 15 shall be deemed to have come into force on the 1st day of January, 1958. Commence-  
ment

**17.** This Act may be cited as *The Jails Amendment Act*, 1958. Short title



## CHAPTER 46

## An Act to amend The Judicature Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 5 of *The Judicature Act*, as R.S.O. 1950, amended by section 1 of *The Judicature Amendment Act, 1951*, <sup>subs. 1, amended</sup> is further amended by striking out "eighteen" in the amendment of 1951 and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called <sup>High Court of Justice</sup> the Chief Justice of the High Court, and twenty other judges.

**2.** Clause *a* of subsection 2 of section 84 of *The Judicature Act* is amended by inserting after "registrar" in the first line <sup>R.S.O. 1950, c. 190, s. 84, subs. 2, cl. a, amended</sup> "appointed before the 1st day of April, 1953", so that the clause shall read as follows:

(a) a local registrar appointed before the 1st day of April, 1953, on an examination had before him as a special examiner or on a reference made to him as an official referee.

**3.** Section 1 comes into force on a day to be named by <sup>Commencement</sup> the Lieutenant-Governor by his Proclamation.

**4.** This Act may be cited as *The Judicature Amendment Act, 1958*. <sup>Short title</sup>





CHAPTER 47

An Act to amend The Labour Relations Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Labour Relations Act*, as amended by R.S.O. 1950, section 8 of *The Labour Relations Amendment Act, 1954*, is <sup>c. 194, s. 32,</sup> amended further amended by adding thereto the following subsection:

(3b) Where a request is made under subsection 3a and the question arises as to whether a collective agree- <sup>Reference of questions</sup> ment has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it is made, the Minister may refer the question to the Board and thereupon the question shall be deemed to be a question arising in a proceeding under subsection 1 of section 68.

2. Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act* are repealed and the following substituted <sup>R.S.O. 1950, c. 194, s. 40, subss. 1-3, re-enacted</sup> therefor:

- (1) Where a collective agreement is for a term of not <sup>When application for new certification may be made</sup> more than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation.
- (2) Where a collective agreement is for a term of more <sup>Idem</sup> than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be.

Idem

- (3) Where a collective agreement referred to in subsection 1 or 2 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,  
c. 194, s. 41,  
subs. 2,  
re-enacted

**3.** Subsection 2 of section 41 of *The Labour Relations Act* is repealed and the following substituted therefor:

agreement

- (2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit,
- (a) in the case of a collective agreement for a term of not more than two years, only after the commencement of the last two months of its operation;
- (b) in the case of a collective agreement for a term of more than two years, only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be;
- (c) in the case of a collective agreement referred to in clause *a* or *b* that provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, only during the last two months of each year that it so continues to operate or after the commencement of the last two months of its operation, as the case may be.

4. Clause *a* of subsection 2 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 194, s. 44  
(1954, c. 42,  
s. 12),  
subs. 2,  
cl. *a*,  
re-enacted

- (a) unless following the granting of the request a collective agreement has been made between the parties and,
  - (i) in the case of an agreement for a term of not more than two years, the last two months of its operation have commenced, or
  - (ii) in the case of an agreement for more than two years, the twenty-third month of its operation has commenced; or

. . . . .

5. Subsection 2 of section 47*a* of *The Labour Relations Act*, as enacted by section 13 of *The Labour Relations Amendment Act, 1954*, is amended by striking out "employers" in the eighth line and inserting in lieu thereof "employees".

R.S.O. 1950,  
c. 194, s. 47*a*  
(1954, c. 42,  
s. 13),  
subs. 2,  
amended

6. Section 66 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 194, s. 66,  
is amended

- (2*a*) Notwithstanding subsection 2, the Lieutenant-Governor in Council may appoint as members of the Board such additional members representative of employers and employees respectively as he may deem proper, but a member appointed under this subsection shall act as a member of the Board only on the request of the chairman or vice-chairman and where such a member so acts it shall be presumed conclusively that he is acting on the request of the chairman or vice-chairman, as the case may be.

Additional  
members

7. *The Labour Relations Act* as heretofore amended and as amended by this Act applies for the purposes of any proceedings before the Board begun after the commencement of this Act, and nothing in this Act affects any proceedings before the Board begun before the commencement of this Act which proceedings shall be continued as though this Act had not been passed.

Application

8. This Act may be cited as *The Labour Relations Amendment Act, 1958*.

Short title



## CHAPTER 48

**An Act to amend  
The Lake of the Woods Control Board Act, 1922**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Lake of the Woods Control Board Act*, 1922, c. 21, s. 2, is repealed and the following substituted therefor: re-enacted

**2.—(1)** The Board called “The Lake of the Woods Control Board” created by *The Lake of the Woods Control Board Act, 1921* (Canada) and by *The Lake of the Woods Control Board Act, 1922* is continued and shall consist of four members and four alternate members who shall be duly qualified engineers and of whom one member and one alternate member shall be appointed by the Governor-General in Council, two members and two alternate members by the Lieutenant-Governor of Ontario in Council, and one member and one alternate member by the Lieutenant-Governor of Manitoba in Council and each of the persons so appointed shall hold office during the pleasure of the Governor-General in Council, the Lieutenant-Governor of Ontario in Council or the Lieutenant-Governor of Manitoba in Council respectively, and any vacancy on the Board shall be filled by the Governor-General in Council or the Lieutenant-Governor in Council who appointed the person who formerly occupied the vacant appointment. Constitution of Board 1921, c. 10 (Can.)

**(2)** An alternate member is entitled to sit and vote only during the absence of the member for whom he was appointed as alternate. Voting by alternates

**2.—(1)** The second clause *b* of section 3 of *The Lake of the Woods Control Board Act, 1922* is repealed and the following substituted therefor: 1922, c. 21, s. 3, cl. b, re-enacted

**(b)** To regulate and control the outflow of the waters of Lac Seul so as to maintain the level of the lake

between



between such elevations as the Board may from time to time recommend and which shall be approved by the Governor-General in Council, the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council, and to regulate and control the flow into Lac Seul through the Lake St. Joseph diversion works at such times as the level of Lac Seul rises above elevation 1169 feet during the months of January and June, above elevation 1168 feet during the months of February, March, April and May and above elevation 1170 feet during the months of July, August, September, October, November and December, or above such higher elevations as are authorized by the Board from time to time.

1922, c. 21,  
s. 3, cl. d,  
amended

(2) Clause *d* of the said section 3 is amended by striking out "and the Lieutenant-Governor in Council may both" in the third and fourth lines and inserting in lieu thereof "the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council may", so that the clause shall read as follows:

(*d*) To regulate and control the level and flow of such other waters of the watershed of the Winnipeg river as the Governor-General in Council, the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council may agree to place under the jurisdiction of the said Board. Save and excepting the control and operation of all dams and regulating works extending across the International Boundary and the dam and regulating works across the Canadian channel at Kettle Falls.

1922, c. 21,  
s. 3,  
amended

(3) The said section 3 is further amended by adding thereto the following subsection:

Interpre-  
tation

(2) In this section, any reference to water elevations shall be related to mean sea level (Geodetic Survey of Canada. Adjustment previous to that of 1923). Referred to brass cap bench mark Number 988-A, elevation 1183.075.

1922, c. 21,  
s. 5,  
amended

**3.** Section 5 of *The Lake of the Woods Control Board Act*, 1922 is amended by inserting after "Canada" in the fourth line "and by any Act passed by the Legislature of Manitoba" and by inserting after "Ontario" in the sixth line "or of Her Majesty's Court of Queen's Bench for Manitoba", so that the section shall read as follows:

5. The said Board shall have all the powers necessary <sup>Enforcement of order</sup> for effectively carrying out the authority and control vested in it by this Act and by any Act passed by the Parliament of the Dominion of Canada and by any Act passed by the Legislature of Manitoba and any order made by the said Board may be made a rule, order or decree of the Exchequer Court of Canada or of the Supreme Court of Ontario or of Her Majesty's Court of Queen's Bench for Manitoba and shall be enforced in the same manner as any rule, order or decree may be enforced in the court in which such proceeding is taken.

4. Section 9 of *The Lake of the Woods Control Board Act*, <sup>1922, c. 21, s. 9, re-enacted</sup> 1922 is repealed and the following substituted therefor:

9. The expenses of the Board, including the remuneration of the members or alternate members of the Board, shall be paid out of such funds as may be appropriated by the Parliament of Canada and the Legislatures of Ontario and Manitoba respectively for paying expenses incurred for the purposes of this Act in such proportions as the Governor-General in Council and the respective Lieutenant-Governors in Council may agree. <sup>Expenses of Board</sup>

5. Subsection 1 of section 10 of *The Lake of the Woods Control Board Act*, <sup>1922, c. 21, s. 10, subs. 1, amended</sup> 1922 is amended by striking out "Lieutenant-Governor" in the second line and inserting in lieu thereof "respective Lieutenant-Governors", so that the subsection shall read as follows:

- (1) The Governor-General in Council and the respective <sup>Regulations</sup> Lieutenant-Governors in Council may make such regulations (including provisions as to what shall constitute a quorum of the Board, and how orders of the Board shall be signed), as they may agree to be necessary for carrying out the provisions of this Act.

6. This Act comes into force on a day to be named by the <sup>Commencement</sup> Lieutenant-Governor by his Proclamation.

7. This Act may be cited as *The Lake of the Woods Control Board Amendment Act*, <sup>Short title</sup> 1958.



## CHAPTER 49

## An Act to amend The Land Titles Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4a of *The Land Titles Act*, as enacted by section R.S.O. 1950, c. 197, s. 4a, 2 of *The Land Titles Amendment Act, 1956*, is amended by (1956, c. 38, s. 2), adding thereto the following subsection: amended

(4) The Lieutenant-Governor in Council may appoint Assistant one or more assistant deputy directors of titles for deputy directors of titles the purposes of this Act.

**2.** *The Land Titles Act* is amended by adding thereto the R.S.O. 1950, c. 197, following section: amended

4b.—(1) The Lieutenant-Governor in Council may ap- Examiner point an Ontario land surveyor of not less than five of surveys years standing to be the examiner of surveys who shall perform such duties as the director of titles may require in connection with plans, surveys and descriptions of land under this or any other Act administered by the director of titles.

(2) The Lieutenant-Governor in Council may appoint Assistant one or more Ontario land surveyors of not less than examiners of surveys three years standing to be assistant examiners of surveys who shall assist the examiner of surveys in the performance of his duties.

(3) The assistant examiner of surveys who is senior Absence, in appointment to office may, in the event of the etc., of illness or absence from office of the examiner of examiner of surveys surveys or if the office of examiner of surveys is vacant, perform all the duties of the examiner of surveys.

**3.** Subsection 1 of section 28 of *The Land Titles Act*, as R.S.O. 1950, amended by section 1 of *The Land Titles Amendment Act*, c. 197, s. 28, 1952, is repealed and the following substituted therefor: subs. 1, re-enacted

No title by  
adverse  
possession  
R.S.O. 1950,  
c. 207

- (1) Notwithstanding any provision of this Act, *The Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act that is adverse to or in derogation of the title of the registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession.

R.S.O. 1950,  
c. 197,  
amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Transfer  
to uses

- 45a. A transfer expressed to be given to such uses as the transferee appoints by transfer or by charge or by will and in default of appointment to the transferee absolutely may be registered, and for the purposes of this Act the wife of the transferee is not entitled to dower in the land except in default of appointment.

R.S.O. 1950,  
c. 197, s. 64,  
amended

5. Section 64 of *The Land Titles Act* is amended by adding thereto the following subsection:

Where  
writ not  
binding

- (6a) Where land is being transferred or charged and where a notice under subsection 6 has not been given, a writ of execution or renewal thereof does not bind the land being transferred or charged as against the transferee or chargee, if the proper master of titles decides that the name of the execution debtor appearing in the writ or renewal thereof and the name of the registered owner as it appears in the records of the land titles office do not represent the same person, and he issues a certificate accordingly.

R.S.O. 1950,  
c. 197, s. 107,  
re-enacted

6. Section 107 of *The Land Titles Act*, as amended by section 3 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

Interpre-  
tation

- 107.—(1) In this section and in sections 107a, 107b, 107c, 108, 109, 110, 111, 112, 113 and 114,

- (a) “duplicate plan” means a true copy of a plan that is prepared in accordance with the regulations;
- (b) “lot” includes a block, reserve and other delineation of land on a plan;
- (c) “mounted duplicate plan” means a true copy of a plan that is prepared and mounted in accordance with the regulations;
- (d) “plan” means a plan that is drawn in accordance with the regulations;

(e)



- (e) "regulations" means the code of standards and procedure laid down by the rules made under this Act.
- (2) Every plan submitted for registration or for deposit shall be prepared in accordance with the regulations. Plans to conform to regulations
- (3) Where land is being subdivided for the purpose of being sold or conveyed in lots, the person making the subdivision shall register in the proper land titles office a plan of the land prepared by an Ontario land surveyor and certified by him in the prescribed form. Subdivision plans to be registered
- (4) The person by whom or on whose behalf a plan is registered shall sign the plan, but no seal shall be affixed thereto. Signature to be affixed to plan
- (5) A duplicate plan and a mounted duplicate plan shall be deposited at the time of the registration of the plan. Duplicate, etc.
- (6) Upon the registration of a plan, the proper master of titles shall endorse on the duplicate plan and on the mounted duplicate plan a certificate showing the number of the plan and the date of its registration and he shall deliver without fee the duplicate plan to the clerk of the local municipality in which the land is situate. Duplicate plan to be delivered to municipality
- (7) Upon the registration of a plan, the mounted duplicate plan thereof has all the force and effect of the plan. Mounted duplicate same as plan
- (8) The proper master of titles before accepting a plan for registration may require evidence to be given him explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register, or he may require evidence to be given him respecting any other matter of which he requires explanation. Additional information
- (9) No plan, other than a plan of public lands prepared under *The Public Lands Act*, shall be registered or deposited in a land titles office unless it has been approved by the examiner of surveys or by such other person as may be designated by the director of titles. Approval of plans by examiner of surveys  
R.S.O. 1950, c. 309

Verification  
of survey  
R.S.O. 1950,  
c. 309

- (10) Before a plan, other than a plan of public lands prepared under *The Public Lands Act*, is registered or deposited in a land titles office, the director of titles may require a survey thereof to be verified on the ground by the examiner of surveys or by such other person as may be designated by the director of titles.

True copy  
of plan

- (11) The director of titles may direct that a true copy of a plan or a part of a plan registered or deposited in a land titles office be made under the direction of the examiner of surveys who shall certify thereon that it is a true copy of the plan or of a part of a plan, as the case may be, and the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy.

Correction  
of plans

- (12) Upon the filing of evidence satisfactory to the proper master of titles and upon his giving such notice to interested persons as he may deem appropriate, he may correct any erroneous measurements upon, or any error, defect or omission in, any plan registered or deposited and he shall substitute the corrected plan for the original plan and thereafter the plan shall be deemed for all purposes to have been so corrected from the time of its registration or deposit, as the case may be.

R.S.O. 1950,  
c. 197,  
s. 107a  
(1957, c. 58,  
s. 4), subs. 3,  
amended

7. Subsection 3 of section 107a of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act*, 1957, is amended by inserting after "surveyor" in the eighth line "from an actual survey and having regard to the records in the land titles office", so that the subsection shall read as follows:

Draft plan  
of sub-  
division

- (3) Upon a direction being issued and entered under subsection 1, the director of titles, on behalf of the Attorney General, shall apply *ex parte* to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a draft plan of subdivision of the subdivision plan area be prepared by an Ontario land surveyor from an actual survey and having regard to the records in the land titles office and the judge may make such order.

R.S.O. 1950,  
c. 197, s. 109,  
subs. 1,  
re-enacted;  
subs. 2,  
repealed

8.—(1) Subsections 1 and 2 of section 109 of *The Land Titles Act* are repealed and the following substituted therefor:

- (1) In cases not otherwise provided for by this Act, the proper master of titles may require a person applying for registration of a transfer of land to deposit a plan of the land with the several measurements marked thereon and certified by an Ontario land surveyor in the prescribed form and signed by the owner.

Master may  
require  
plan to be  
deposited  
in certain  
cases

- (2) Subsection 4 of the said section 109 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 197, s. 109,  
subs. 4,  
re-enacted

- (4) A subsequent severance from land shown on a plan deposited under subsection 1 may be delineated upon a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor and signed by the owner.

Subsequent  
severance

**9.** Section 150 of *The Land Titles Act*, as amended by section 6 of *The Land Titles Amendment Act, 1957*, is further amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 197, s. 150,  
amended

- (9) When an application under subsection 6 is made, the director of titles may by direction designate the lands mentioned in the application as a subdivision plan area and thereupon the procedures prescribed by subsections 2 to 7 of section 107a apply *mutatis mutandis*.

Judge's plan  
procedure  
may be  
applied

- (10) A direction under subsection 9 does not prevent the registration of further dealings with the lands until notice has been served in accordance with subsection 4 of section 107a.

Registration  
not affected

**10.** Section 158a of *The Land Titles Act*, as enacted by section 16 of *The Land Titles Amendment Act, 1956*, is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 197,  
s. 158a  
(1956, c. 38,  
s. 16),  
amended

- (3) The director of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve.

Seal

**11.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**12.** This Act may be cited as *The Land Titles Amendment Act, 1958*.

Short title



## CHAPTER 50

## An Act to repeal The Law Stamps Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Stamps Act* and *The Law Stamps Amendment Act, 1952* are repealed. R.S.O. 1950 c. 201; 1952, c. 50, repealed

2. Notwithstanding any Act, regulation, order or rule, the fees and charges payable to the Crown or to a judge upon legal papers and proceedings shall be paid in money and not in law stamps. Fees to be paid in money

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

4. This Act may be cited as *The Law Stamps Repeal Act*, Short title 1958.





CHAPTER 51

The Libel and Slander Act, 1958

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-  
tation

- (a) “broadcasting” means the dissemination of any form of radioelectric communication, including radio-telegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds, by means of Hertzian waves intended to be received by the public either directly or through the medium of relay stations, and “broadcast” has a corresponding meaning; *New.*
- (b) “newspaper” means a paper containing public news, intelligence, or occurrences, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and includes a paper printed in order to be made public weekly or more often or at intervals not exceeding thirty-one days and containing only, or principally, advertisements. R.S.O. 1950, c. 204, s. 1.

(2) Any reference to words in this Act shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning. *New.*

Meaning of  
words  
extended

LIBEL

2. Defamatory words in a newspaper or in a broadcast shall be deemed to be published and to constitute libel. *New.*

What con-  
stitutes  
libel

Privileged  
reports

**3.**—(1) A fair and accurate report in a newspaper or in a broadcast of any of the following proceedings that are open to the public is privileged, unless it is proved that the publication thereof was made maliciously:

1. The proceedings of any legislative body or any part or committee thereof in the British Commonwealth that may exercise any sovereign power acquired by delegation or otherwise.
2. The proceedings of any administrative body that is constituted by any public authority in Canada.
3. The proceedings of any commission of inquiry that is constituted by any public authority in the British Commonwealth.
4. The proceedings of any organization whose members, in whole or in part, represent any public authority in Canada.

## Idem

(2) A fair and accurate report in a newspaper or in a broadcast of the proceedings of a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern, whether the admission thereto is general or restricted, is privileged, unless it is proved that the publication thereof was made maliciously.

Publicity  
releases

(3) The whole or a part or a fair and accurate synopsis in a newspaper or in a broadcast of any report, bulletin, notice or other document issued for the information of the public by or on behalf of any body, commission or organization mentioned in subsection 1 or any meeting mentioned in subsection 2 is privileged, unless it is proved that the publication thereof was made maliciously.

Decisions,  
etc., of  
certain  
types of  
association

(4) A fair and accurate report in a newspaper or in a broadcast of the findings or decision of any of the following associations, or any part or committee thereof, being a finding or decision relating to a person who is a member of or is subject, by virtue of any contract, to the control of the association, is privileged, unless it is proved that the publication thereof was made maliciously:

1. An association formed in Canada for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication.

2. An association formed in Canada for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession.
3. An association formed in Canada for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercising of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime.

(5) Nothing in this section authorizes any blasphemous, <sup>Improper</sup> seditious or indecent <sup>matter</sup> matter in a newspaper or in a broadcast.

(6) Nothing in this section limits or abridges any privilege <sup>Saving</sup> now by law existing or protects the publication of any matter not of public concern or the publication of which is not for the public benefit.

(7) The protection afforded by this section is not available as a defence in an action for libel if the plaintiff shows that the defendant refused to insert in the newspaper or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. <sup>When defendant refuses to publish explanation</sup> R.S.O. 1950, c. 204, s. 9, *amended*.

**4.—**(1) A fair and accurate report without comment in a newspaper or in a broadcast of proceedings publicly heard before a court of justice, if published in the newspaper or broadcast contemporaneously with such proceedings, is absolutely privileged unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. <sup>Report of proceedings in courts</sup>

(2) Nothing in this section authorizes any blasphemous, <sup>Improper</sup> seditious or indecent <sup>matter</sup> matter in a newspaper or in a broadcast. R.S.O. 1950, c. 204, s. 10, *amended*.

**5.—**(1) No action for libel in a newspaper or in a broadcast lies unless the plaintiff has, within six weeks after the alleged libel has come to his knowledge, given to the defendant notice <sup>Notice of action</sup> in writing, specifying the matter complained of, which shall

be served in the same manner as a statement of claim or by delivering it to a grown-up person at the chief office of the defendant.

Where  
plaintiff  
to recover  
only  
actual  
damages

(2) The plaintiff shall recover only actual damages if it appears on the trial,

- (a) that the alleged libel was published in good faith;
- (b) that the alleged libel did not involve a criminal charge;
- (c) that the publication of the alleged libel took place in mistake or misapprehension of the facts; and
- (d) that a full and fair retraction of any matter therein alleged to be erroneous,
  - (i) was published either in the next regular issue of the newspaper or in any regular issue thereof published within three days after the receipt of the notice mentioned in subsection 1 and was so published in as conspicuous a place and type as was the alleged libel, or
  - (ii) was broadcast either within a reasonable time or within three days after the receipt of the notice mentioned in subsection 1 and was so broadcast as conspicuously as was the alleged libel.

Case of  
candidate  
for public  
office

(3) This section does not apply to the case of a libel against any candidate for public office unless the retraction of the charge is made in a conspicuous manner at least five days before the election. R.S.O. 1950, c. 204, s. 7, *amended*.

Limitation  
of actions

**6.** An action for a libel in a newspaper or in a broadcast shall be commenced within three months after the libel has come to the knowledge of the person defamed, but, where such an action is brought within that period, the action may include a claim for any other libel against the plaintiff by the defendant in the same newspaper or the same broadcasting station within a period of one year before the commencement of the action. R.S.O. 1950, c. 204, s. 13, *amended*.

Application  
of s. 5,  
subs. 1, and  
s. 6

**7.** Subsection 1 of section 5 and section 6 apply only to newspapers printed and published in Ontario and to broadcasts from a station in Ontario. R.S.O. 1950, c. 204, s. 17, *amended*.



**8.**—(1) No defendant in an action for a libel in a newspaper is entitled to the benefit of sections 5 and 6 unless the names of the proprietor and publisher and the address of publication are stated either at the head of the editorials or on the front page of the newspaper. Publication of name of publisher, etc.

(2) The production of a printed copy of a newspaper is *prima facie* evidence of the publication of the printed copy and of the truth of the statements mentioned in subsection 1. Copy of newspaper to be prima facie evidence  
R.S.O. 1950, c. 204, s. 14, *amended*.

(3) Where a person, by registered letter containing his address and addressed to a broadcasting station, alleges that a libel against him has been broadcast from the station and requests the name and address of the owner or operator of the station or the names and addresses of the owner and the operator of the station, sections 5 and 6 do not apply with respect to an action by such person against such owner or operator for the alleged libel unless the person whose name and address are so requested delivers the requested information to the first-mentioned person, or mails it by registered letter addressed to him, within ten days from the date on which the first-mentioned registered letter is received at the broadcasting station. *New.* Where ss. 5, 6 not to apply

**9.**—(1) In an action for a libel in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper a full apology for the libel or, if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff. R.S.O. 1950, c. 204, s. 6, *amended*. Newspaper libel, plea in mitigation of damages

(2) In an action for a libel in a broadcast, the defendant may plead in mitigation of damages that the libel was broadcast without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he broadcast a full apology for the libel. *New.* Broadcast libel, plea in mitigation of damages

**10.** In an action for a libel in a newspaper or in a broadcast, the defendant may prove in mitigation of damages that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as that for which such action is brought. R.S.O. 1950, c. 204, s. 16, *amended*. Evidence in mitigation of damages

Payment  
into court

**11.** A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of any libel to which sections 5 and 9 apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment has the same effect as payment into court in other cases. R.S.O. 1950, c. 204, s. 8, *amended*.

Consolidation of  
different  
actions for  
same libel

**12.—(1)** The court, upon an application by two or more defendants in any two or more actions for the same or substantially the same libel, or for a libel or libels the same or substantially the same in different newspapers or broadcasts, brought by the same person or persons, may make an order for the consolidation of such actions so that they will be tried together, and, after such order has been made and before the trial of such actions, the defendants in any new actions instituted by the same person or persons in respect of any such libel or libels shall also be entitled to be joined in the common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. R.S.O. 1950, c. 204, s. 5 (1), *amended*.

Assessment  
of damages  
and apportionment  
of damages  
and costs

(2) In a consolidated action under this section, the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and, if the jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, the jury shall apportion the amount of the damages between and against the last-mentioned defendants, and the judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he deems just for the apportionment of the costs between and against such defendants. R.S.O. 1950, c. 204, s. 5 (2), *amended*.

Application

(3) This section does not apply where the libel or libels were contained in an advertisement. R.S.O. 1950, c. 204, s. 5 (3), *amended*.

Security  
for costs

**13.—(1)** In an action for a libel in a newspaper or in a broadcast, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits and that the statements complained of were made in good faith, or that the grounds of

action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

(2) Where the alleged libel involves a criminal charge, <sup>Where libel involves a criminal charge</sup> the defendant is not entitled to security for costs under this section unless he satisfies the court that the action is trivial or frivolous, or that the circumstances which under section 5 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstances that the matter complained of involves a criminal charge.

(3) For the purpose of this section, the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim. <sup>Examination of parties</sup>

(4) An order made under this section by a judge of the Supreme Court is final and is not subject to appeal, but, <sup>When order of judge respecting security final</sup> where the order is made by a local judge, an appeal therefrom lies to a judge of the Supreme Court sitting in chambers, whose order is final and is not subject to appeal. R.S.O. 1950, c. 204, s. 11, *amended*.

**14.** An action for a libel in a newspaper or in a broadcast <sup>Place of trial</sup> shall be tried in the county where the chief office of the newspaper or broadcasting station is, or in the county where the plaintiff resides at the time the action is brought; but, upon the application of either party, the court may direct the action to be tried, or the damages to be assessed, in any other county if it appears to be in the interests of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper. R.S.O. 1950, c. 204, s. 12, *amended*.

**15.** On the trial of an action for libel, the jury may give <sup>Verdicts</sup> a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action, but the court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on such issue find a special verdict, if they think fit so to do, and the proceedings after verdict, whether general or special, shall be the same as in other cases. R.S.O. 1950, c. 204, s. 4.

**16.** An agreement for indemnifying any person against <sup>Agreements for indemnity</sup> civil liability for libel is not unlawful. *New.*



## SLANDER

Slander of  
women

**17.** In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it is not necessary to allege in the plaintiff's statement of claim or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover damages without averment or proof of special damage. R.S.O. 1950, c. 204, s. 18 (1).

Slander  
affecting  
official,  
professional  
or business  
reputation

**18.** In an action for slander for words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication thereof, it is not necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business, and the plaintiff may recover damages without averment or proof of special damage. *New.*

Slander of  
title, etc.

**19.** In an action for slander of title, slander of goods or other malicious falsehood, it is not necessary to allege or prove special damage,

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication,

and the plaintiff may recover damages without averment or proof of special damage. *New.*

Security  
for costs

**20.—(1)** In an action for slander, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

(2) For the purpose of this section, the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim. R.S.O. 1950, c. 204, s. 18 (2, 3), *amended*. Examination of parties

#### LIBEL AND SLANDER

**21.** In an action for libel or slander, the plaintiff may aver that the words complained of were used in a defamatory sense, specifying the defamatory sense without any prefatory averment to show how the words were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander, and, where the words set forth, with or without the alleged meaning, show a cause of action, the statement of claim is sufficient. R.S.O. 1950, c. 204, s. 2, *amended*. Averments

**22.** In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only, or has suffered judgment by default, or judgment has been given against him on motion for judgment on the pleadings, he may give in evidence, in mitigation of damages, that he made or offered a written apology to the plaintiff for such libel or slander before the commencement of the action, or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity. R.S.O. 1950, c. 204, s. 3, *amended*. Apologies

**23.** In an action for libel or slander for words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges. *New*. Justification

**24.** In an action for libel or slander for words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. *New*. Fair comment

#### MISCELLANEOUS

**25.** This Act applies for the purposes of any proceedings begun after the commencement of this Act regardless of when the cause of action arose and nothing in this Act affects any

proceedings



proceedings begun before the commencement of this Act, which proceedings shall be continued as though this Act had not been passed.

R.S.O. 1950,  
c. 204,  
repealed

**26.** *The Libel and Slander Act* is repealed.

Commence-  
ment

**27.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**28.** This Act may be cited as *The Libel and Slander Act, 1958*.

## CHAPTER 52

## An Act to amend The Liquor Control Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Liquor Control Act* is amended by striking out “and containing more than two and one-half per cent by volume at 60 degrees Fahrenheit of absolute alcohol” in the fourth, fifth and sixth lines, so that the clause shall read as follows:

R.S.O. 1950,  
c. 210, s. 1,  
cl. *a*,  
amended

(*a*) “beer” means any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water.

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 210, s. 1,  
cl. *j*,  
re-enacted

(*j*) “liquor” means any alcohol, any alcoholic, spirituous, vinous, fermented malt or other liquid, any combination of liquids or mixed liquids a part of which is alcoholic, spirituous, vinous or fermented, any preparation, combination or mixture capable of human consumption which is alcoholic, spirituous, vinous or fermented, and includes wine, Ontario wine and beer.

(3) Clause *l* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 210, s. 1,  
cl. *l*,  
re-enacted

(*l*) “Ontario wine” means,

(i) wine produced from grapes or cherries grown in Ontario or the concentrated juice thereof and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or

(ii)

- (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine.

R.S.O. 1950,  
c. 210, s. 1,  
cl. 5,  
re-enacted

(4) Clause s of the said section 1 is repealed and the following substituted therefor:

(s) "residence" means,

- (i) a building or part of a building that is *bona fide* and actually occupied and used by the owner, lessee or tenant solely as a private dwelling together with the lands and buildings appurtenant thereto which in fact are normally and reasonably used as part of the living accommodation,
- (ii) a private guest room in an hotel or motel that is *bona fide* and actually occupied as such by a guest of the hotel or motel, or
- (iii) a trailer, tent or vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling.

R.S.O. 1950,  
c. 210, s. 1,  
amended

(5) The said section 1 is amended by adding thereto the following subsection:

Liquor  
deemed  
intoxicating

(2) Liquor shall be deemed to be intoxicating for the purposes of this Act.

R.S.O. 1950,  
c. 210, s. 9,  
amended

**2.** Section 9 of *The Liquor Control Act*, as amended by section 2 of *The Liquor Control Amendment Act, 1953*, is further amended by adding thereto the following subsection:

Exemption

(2) The Board may by order exempt from this Act any product or class of product that contains alcohol and that is not, in the opinion of the Board, what is commonly known as spirituous liquor, wine, Ontario wine or beer.

R.S.O. 1950,  
c. 210, s. 65,  
subs. 2,  
amended

**3.** Subsection 2 of section 65 of *The Liquor Control Act* is amended by striking out "intoxicating" in the fifth line.

R.S.O. 1950,  
c. 210, s. 66,  
subs. 3,  
amended

**4.** Subsection 3 of section 66 of *The Liquor Control Act* is amended by striking out "more than one per cent by volume at 60 degrees Fahrenheit of absolute" in the ninth and tenth lines.

5. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 210,  
amended

128a. In any prosecution under this Act, in the absence of proof to the contrary, it shall be conclusively presumed by the justice trying the case that the liquor in question is not exempt from this Act under an order of the Board. Presumption

6. Section 129 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 210, s. 129,  
re-enacted

129. The justice trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is liquor within the meaning of this Act from the fact that a witness describes it as liquor or by a name which is commonly applied to liquor. Inference  
as to  
liquor

7. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

8. This Act may be cited as *The Liquor Control Amendment Act, 1958*. Short title





## CHAPTER 53

**An Act to amend  
The Loan and Trust Corporations Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 1 of section 136 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 136,  
subs. 1, cl. *a*,  
re-enacted

- (a) except as to securities issued or guaranteed by the government of Canada or the government of any province of Canada or by any municipal corporation in Ontario,
  - (i) subject to subclause iii, invest in any one security an amount exceeding 15 per cent of its own paid in capital stock and reserve funds, or
  - (ii) make a total investment in any one company or bank maturing in more than one year, including the purchase of its stock or other securities and the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of an amount exceeding 15 per cent of its own paid in capital stock and reserve funds, or
  - (iii) make an investment referred to in subclause ii maturing in one year or less in an amount which together with the amount invested to which subclause ii applies exceeds in the case of a registered loan corporation the aggregate of 20 per cent of its own paid in capital stock and reserve funds and 5 per cent of moneys borrowed on debentures and by way of deposit under section 69 and, in the case of a registered trust company, the aggregate of 20 per cent

of its own paid in capital stock and reserve funds and 5 per cent of moneys received as deposits and for guaranteed investment under sections 78 and 80.

Short title

**2.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1958*.

## CHAPTER 54

# An Act to amend The Local Improvement Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Local Improvement Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 215,  
amended

45a. Notwithstanding subsection 2 of section 45, the court of revision at any time after the certification of the special assessment roll may reduce any special assessment for the current year and the remaining years of the debenture debt by reason of any gross or manifest error and the amount by which any owner's share of the cost of a work is reduced shall be added to the corporation's share of the cost. Power to  
reduce  
special  
assessment  
where  
gross error

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Local Improvement Amendment Act, 1958*. Short title



## CHAPTER 55

**An Act to amend The Magistrates Act, 1952**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of subsection 1 of section 21 of *The Magistrates Act, 1952* is repealed and the following substituted therefor: 1952, c. 53,  
s. 21, subs. 1,  
cl. *c*,  
re-enacted

(*c*) providing for the safe-keeping, inspection and destruction of books, documents and papers of magistrates.

**2.** This Act may be cited as *The Magistrates Amendment Act, 1958*. Short title





## CHAPTER 56

**An Act to authorize the Government of Ontario and The Hydro-Electric Power Commission of Ontario to enter into an Agreement with the Government of Manitoba and The Manitoba Hydro-Electric Board respecting the diversion of certain waters into the Winnipeg River and the power generated from such waters**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Government of Ontario, represented by the Minister of Lands and Forests, and The Hydro-Electric Power Commission of Ontario may enter into an agreement substantially in the form set out as the Schedule hereto with the Government of Manitoba and The Manitoba Hydro-Electric Board respecting the diversion of certain waters into the Winnipeg River and the power generated from such waters. Agreement authorized

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Manitoba-Ontario Lake St. Joseph Diversion Agreement Authorization Act, 1958*. Short title

## SCHEDULE

AGREEMENT made this                      day of                      , 1958.

BETWEEN :

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF MANITOBA (herein represented by the Honourable Douglas Campbell, Premier of Manitoba), hereinafter called "Manitoba",

OF THE FIRST PART,

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO (herein represented by the Honourable Clare E. Mapledoram, Minister of Lands and Forests), hereinafter called "Ontario",

OF THE SECOND PART,

THE MANITOBA HYDRO-ELECTRIC BOARD, hereinafter called the "Board",

OF THE THIRD PART,

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission",

OF THE FOURTH PART.

WHEREAS the Commission wishes to store water in Lake St. Joseph in the District of Kenora, in the Province of Ontario, and to divert water therefrom by way of the Root River into Lac Seul in the said District of Kenora and thereby into the English and Winnipeg Rivers within the Province of Ontario for the purpose of increasing the energy production of generating stations of the Commission located on the English River, and the Commission proposes to construct, operate and maintain the works and structures necessary for such purpose;

AND WHEREAS Ontario is agreeable to the diversion by the Commission of the said water;

AND WHEREAS the Board wishes to utilize the said diverted water in the generation of electrical energy in generating stations located on the Winnipeg River within the Province of Manitoba;

AND WHEREAS the Board has agreed to make available to the Commission, under the terms and provisions hereinafter appearing, the quantities hereinafter referred to of energy deemed capable of being produced at generating stations on the Winnipeg River in the Province of Manitoba from or by the said diverted water;

AND WHEREAS subject to the terms and provisions hereinafter appearing, Manitoba is agreeable to accepting the said diverted water into the Winnipeg River within the Province of Manitoba;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto agree as follows:

1. Ontario does hereby authorize and empower the Commission to divert water from Lake St. Joseph, in the District of Kenora, in the Province of Ontario, by way of the Root River into Lac Seul, in the said District of Kenora and thereby into the English and Winnipeg Rivers within the Province of Ontario, and to construct, operate and maintain all

such

such works and structures (hereinafter called the "diversion works") necessary or required for the purposes thereof and does further authorize and empower the Commission to exercise and enjoy, in relation to the diversion of such water, all of its rights and powers under *The Power Commission Act*, R.S.O. 1950, Chapter 281.

2. Subject to the provisions of paragraph 5 hereof, Manitoba does hereby undertake and agree to accept the diverted water into the Winnipeg River within the Province of Manitoba and does hereby authorize and empower the Board to utilize the said diverted water for its purposes.

3. The Commission does hereby undertake and agree to construct, operate and maintain the diversion works and, subject to the provisions of *The Power Commission Act*, to pay the full cost of such construction, operation and maintenance.

4. Subject to the provisions of *The Lake of the Woods Control Board Act, 1922*, Statutes of Ontario 1922, Chapter 21, and of *The Lake of the Woods Control Board Act, 1921*, Statutes of Canada 1921, Chapter 10, in each case as amended or re-enacted from time to time, and of this agreement, the Commission does hereby undertake and agree to operate, maintain and control the diversion works in such manner as to secure severally and at all times the most dependable flow and the most advantageous and beneficial use of the diverted water for the purposes of the generation of power within the Provinces of Ontario and Manitoba.

5. In operating, maintaining and controlling the diversion works under this agreement, the Commission will exercise its best endeavour to ensure that water will not be diverted from Lake St. Joseph at such times or in such manner as will be likely to result in flows in the Winnipeg River in excess of Thirty-four Thousand (34,000) cubic feet per second at the Slave Falls Generating Station in Manitoba and whenever and for as long as flows in the Winnipeg River at said generating station shall exceed, or appear likely to exceed, Thirty-four Thousand (34,000) cubic feet per second, the Commission will cease or restrict such diversion, as the case may be, if, when and for so long as requested to do so by Manitoba or the Board.

6. It is understood and agreed that as between the Board and the Commission, the Commission shall be entitled to all of the energy produced within the Province of Ontario from or by the diverted water.

7. The Commission shall be entitled to receive from the Board, and the Board undertakes and agrees to deliver to the Commission, in the manner hereinafter provided, quantities of energy equivalent to one-half of the "total weekly productive energy" in each week as defined in Section C of Schedule "A" hereto, calculated in accordance with the provisions of this agreement and the principles set forth in said Schedule.

8. The Commission undertakes and agrees that it will pay to the Board, in the manner hereinafter provided, 1.4 mills per kilowatt-hour for all energy demanded by the Commission and delivered by the Board pursuant to this agreement. For the purpose only of calculating the appropriate payments, delivery shall be deemed to have been made at the 115 KV bus at Seven Sisters Generating Station.

9. The point of delivery to the Commission under this agreement of energy to which the Commission is entitled shall be at the boundary between the Provinces of Manitoba and Ontario and said energy shall be delivered by means of existing or future interconnecting transmission facilities between the systems of the Commission and of the Board. The energy delivered by the Board to the Commission under this agreement shall be measured and determined from readings of watthour meters or recording demand meters supplied, maintained and read by the Board or the Commission, having a demand interval of one hour. Such meters may be installed at any location convenient to the Board and to the Commission on the interconnecting transmission line or lines. An appropriate allowance shall be made in all measurements for line losses between the metering points and the intersection of the said interconnecting transmission line or lines with the said Interprovincial boundary.

10. Promptly after the beginning of each calendar month, the Board will render to the Commission a bill for the energy delivered under this agreement during the previous month. Such bills shall be paid within fifteen (15) days of the date upon which the same are received, and payment shall be made by cheque payable at par at Winnipeg, Manitoba.

11. The quantity of energy to which the Commission is entitled under this agreement in any week, calculated in accordance with the principles set out in said Schedule "A", shall normally be demanded by and delivered to the Commission within the week next ensuing such week of entitlement; provided that delivery may be delayed beyond such time at the request of the Commission or the Board if such request be approved by the non-requesting party. Subject to the foregoing, delivery of energy to the Commission will be made at such times as are suitable to the Commission and to the Board, it being understood that the Board shall not be obliged to deliver energy under this agreement during the period of the daily peak loads on the electrical system of the Board.

12. In producing energy from said diverted water or in delivering energy to the Commission under this agreement, the Board shall not be required to operate any equipment at loads in excess of those which it considers to be within safe limits or which in its opinion will result in undue shortening of the life of the equipment, nor shall the Board be required to construct additional facilities or to defer maintenance solely for the purpose of delivering energy to the Commission under this agreement.

13. For the purpose of facilitating the carrying out of the terms of this agreement as between the Commission and the Board, there is hereby established an Operating Committee consisting of two members, one of whom, or his alternate appointed hereunder, shall be the representative of the Board and the other of whom, or his alternate so appointed, shall be the representative of the Commission.

14. The Operating Committee is authorized on behalf of the Board and of the Commission respectively to do all acts and things necessary to carry out the provisions under this agreement respecting the control and diversion of water and the determination, delivery and measurement of energy to which the Commission is entitled, and for such purposes the Operating Committee shall have access at all reasonable times to the pertinent and relevant records and accounts of the Board and of the Commission, which shall each furnish to the Operating Committee all such relevant and pertinent information as may be necessary to enable the Committee to perform its duties.

15. All decisions of the Operating Committee in respect of matters within its jurisdiction shall be unanimous. In the event that the members of the Operating Committee fail to agree on any matter, the subject of disagreement shall be referred to the General Managers of the Board and of the Commission respectively for their decision. In the event that the said General Managers fail to agree on such referred matter, the subject of disagreement shall be referred for decision to a consulting engineer or to a firm of consulting engineers to be selected by the General Managers, and the decision of such engineer or firm shall be final and binding on the Board and the Commission.

16. The Board hereby appoints Mr. C. G. Mills as its representative on the Operating Committee and Mr. V. W. Dick as his alternate. The Commission hereby appoints Mr. F. C. Lawson as its representative on the Operating Committee and Mr. W. G. Chandler as his alternate.

17. Each of the Board and the Commission may from time to time remove and replace any member of the Operating Committee or his alternate appointed by it and shall fill any vacancy promptly. Prompt notice in writing of removals and replacements under this paragraph will be given by the Board or by the Commission to the other.

18. Manitoba and the Board shall indemnify and save harmless Ontario and the Commission of, from and against any and all loss, costs and damages to which Ontario or the Commission shall be put or shall



suffer arising or resulting in any manner whatsoever within the Province of Manitoba from the introduction into the Winnipeg River of the diverted water to the extent permitted by this agreement, and Ontario and the Commission shall indemnify and save harmless Manitoba and the Board of, from and against any and all loss, costs and damages to which Manitoba or the Board shall be put or shall suffer arising or resulting in any manner whatsoever within the Province of Ontario from the introduction into Lac Seul, the English River and the Winnipeg River of the diverted water as permitted by this agreement or the diversion of such water from Lake St. Joseph and its normal water courses.

19. The General Managers of the Board and the Commission, acting jointly, may from time to time in writing amend the provisions of Schedule "A" hereto, other than Section C thereof, and the parties hereto shall be bound by any such amendment.

20. This agreement shall take effect upon the completion by the Commission of the diversion works and notification thereof to the Board and shall continue in full force and effect unless and until terminated by Manitoba, by Ontario, by the Board or by the Commission by at least Four (4) years' notice given in writing and by registered mail addressed to the other parties to the agreement. Upon termination of this agreement, the Commission will cease the diversion of water from Lake St. Joseph into Lac Seul.

21. This agreement shall enure to the benefit of and be binding upon the parties hereto, their and each of their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed.

.....  
*Premier of the Province of Manitoba.*

.....  
*Minister of Lands and Forests.*

**THE MANITOBA HYDRO-ELECTRIC BOARD:**

.....  
*Chairman.*

.....  
*Secretary.*

**THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO:**

.....  
*Chairman.*

.....  
*Secretary.*

*Schedule "A"*

General principles for determination of the share of The Hydro-Electric Power Commission of Ontario of energy deemed capable of being generated at the generating stations on the Winnipeg River in Manitoba from water diverted from Lake St. Joseph

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*Section A—Measurements*

To be measured continuously:

- (1) Discharge from Lake St. Joseph to Lac Seul.
- (2) Discharge from Lac Seul to English River.
- (3) Discharge at Manitou Falls Generating Station.
- (4) Discharge at Caribou Falls Generating Station.

Each of the above shall be averaged for weekly periods.

To be measured at the end of each week:

- (5) The elevation of the water level in Lac Seul.
- (6) The elevation of the water level in Manitou Falls forebay.
- (7) The elevation of the water level in the Caribou Falls forebay.

*Section B—Adjusted Diverted Water*

The adjusted diverted water in each week is the water diverted from Lake St. Joseph in that week adjusted for a portion that is to be stored or a portion previously stored in Lac Seul and/or the forebays of the Commission's Manitou Falls and Caribou Falls generating stations, allowing for appropriate time lags.

*Section C—Total Weekly Productive Energy*

The weekly productive energy at each generating station on the Winnipeg River in Manitoba is the difference between the amount of energy which could be produced at that station in a given week from the total river flow in that week (with the equipment currently available at that station) and the amount of energy which could be produced at the same station in that week from the total river flow in that week less the adjusted diverted water in that week. The total weekly productive energy is the sum of the above in the same week for the several stations on the Winnipeg River in the Province of Manitoba.

*Section D—Energy Delivered to the Commission*

The one-half of the total weekly productive energy to which the Commission is entitled at the Interprovincial boundary is to be reduced by an appropriate allowance for line losses between the Interprovincial boundary and the 115 KV bus in Seven Sisters Generating Station.

*Section E—Operating Committee*

The Operating Committee is authorized to make the detailed calculations required to carry out the general principles described above, which calculations are to be made in accordance with methods to be set out fully in an Operating Committee Standard Practice.

## CHAPTER 57

## An Act to amend The Mechanics' Lien Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Mechanics' Lien Act* is amended by striking out "registered letter or" in the fourth line, so that the subsection shall read as follows: R.S.O. 1950,  
c. 227, s. 7,  
subs. 1,  
amended

- (1) Where the estate or interest upon which the lien attaches is leasehold, the fee simple shall also be subject to the lien, provided the person doing the work or supplying the material gives notice in writing, by personal service, referring to the section, to the owner or his agent of the work to be done or material to be furnished, unless the owner or his agent within ten days thereafter gives notice to such person that he will not be responsible therefor. Where estate  
charged is  
leasehold

2. Subsection 2 of section 11 of *The Mechanics' Lien Act* is amended by striking out "\$15,000" in the second line and inserting in lieu thereof "\$25,000", so that the subsection shall read as follows: R.S.O. 1950,  
c. 227, s. 11,  
subs. 2,  
amended

- (2) Where the contract price or actual value exceeds \$25,000, the amount to be retained shall be 15 per cent instead of 20 per cent. Where  
contract  
price exceeds  
\$25,000

3. Subsection 5 of section 21 of *The Mechanics' Lien Act* is repealed. R.S.O. 1950,  
c. 227, s. 21,  
subs. 5,  
repealed

4. Section 23 of *The Mechanics' Lien Act*, as amended by section 7 of *The Mechanics' Lien Amendment Act, 1952*, is further amended by striking out "or in the cases provided for by subsection 5 of section 21, on the expiration of thirty-seven days from the registration of the claim" in the sixth, seventh and eighth lines and in the amendment of 1952, so that the section shall read as follows: R.S.O. 1950,  
c. 227, s. 23,  
amended

When lien  
to cease if  
registered  
and not  
proceeded  
upon

23. Every lien for which a claim has been registered shall absolutely cease to exist on the expiration of ninety days after the work or service has been completed or materials have been furnished or placed, or after the expiry of the period of credit, where such period is mentioned in the claim for lien registered, unless in the meantime an action is commenced to realize the claim or in which the claim may be realized under this Act, and a certificate is registered as provided by section 22.

R.S.O. 1950,  
c. 227, s. 25,  
subs. 1,  
re-enacted

5.—(1) Subsection 1 of section 25 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Discharge  
of lien

- (1) A lien may be discharged by the registration of a receipt acknowledging payment,
- (a) where made by a claimant other than a corporation, signed by the claimant or his agent duly authorized in writing and verified by affidavit;
- (b) where made by a corporation, bearing its corporate seal.

R.S.O. 1950,  
c. 227, s. 25,  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 25 is repealed and the following substituted therefor:

Security or  
payment  
into court  
and vacating  
lien and  
certificate  
of action

- (4) Upon application, the judge or officer having jurisdiction to try an action to realize a lien may,
- (a) allow security for or payment into court of the amount of the claim and such costs as the judge or officer may fix, and thereupon order that the registration of the lien and registration of the certificate of action, if any, be vacated; or
- (b) order that the registration of the lien and the registration of the certificate of action, if any, be vacated upon any other proper ground.

Effect of  
order under  
subs. 4, cl. a

- (4a) Notwithstanding sections 22 and 23, where an order to vacate the registration of a lien is made under clause a of subsection 4, the lien shall not cease to exist for the reason that no certificate of action is registered.

R.S.O. 1950,  
c. 227, s. 29,  
subs. 1,  
amended

6. Subsection 1 of section 29 of *The Mechanics' Lien Act*, as amended by section 1 of *The Mechanics' Lien Amendment*

*Act, 1953,*



*Act, 1953*, is further amended by striking out "verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

- (1) A lien shall be enforced in the Supreme Court in an action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate a statement of claim. Mode of realizing lien

**7.** Subsection 8 of section 35 of *The Mechanics' Lien Act* is amended by striking out "\$100" in the first line and inserting in lieu thereof "\$200", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 8, amended

- (8) Every lienholder for an amount not exceeding \$200 may be represented by an agent who is not a solicitor. Right of lienholders to representation

**8.** Subsection 1 of section 36 of *The Mechanics' Lien Act* is amended by striking out "make a report on the sale and therein" in the third line, so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 36, subs. 1, amended

- (1) Where a sale is had, the moneys arising therefrom shall be paid into court to the credit of the action and the judge or officer shall direct to whom the moneys in court shall be paid and may add to the claim of the person conducting the action his fees and actual disbursements incurred in connection with the sale, and where sufficient to satisfy the judgment and costs is not realized from the sale he shall certify the amount of the deficiency and the names of the persons who are entitled to recover the same, showing the amount which each is entitled to recover and the persons adjudged to pay the same, giving credit for payments made, if any, under subsection 4 of section 35, and the persons so entitled may enforce payment of the amounts so found to be due by execution or otherwise. Disposition of sale moneys

**9.—**(1) Subsection 1 of section 40 of *The Mechanics' Lien Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 227, s. 40, subs. 1, re-enacted

- (1) A judgment in respect of a claim or counterclaim for an amount not exceeding \$200 shall be final and without appeal. Judgment to be final



R.S.O. 1950,  
c. 227, s. 40,  
subs. 2,  
amended

(2) Subsection 2 of the said section 40 is amended by striking out "a division court appeal when the amount involved is not more than \$200, and upon the scale allowed in" in the sixth, seventh and eighth lines and by striking out "over \$200 and" in the ninth line, so that the subsection shall read as follows:

Appeal in  
other cases

(2) In all other cases an appeal shall lie and may be had in like manner and to the same extent as from the decision of a judge trying an action in the Supreme Court without a jury, and the costs of the appeal shall not be governed by section 42 or 43, but subject to any order of the court shall be upon the scale of costs allowed in county court appeals when the amount involved is not more than \$500, and upon the Supreme Court scale when the amount involved is over \$500.

R.S.O. 1950,  
c. 227, s. 41,  
re-enacted

**10.** Section 41 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Fee

41. The fee payable in any action to realize a lien under this Act is,

(a) \$5 on a claim or counterclaim not exceeding \$500;

(b) \$10 on a claim or counterclaim exceeding \$500 but not exceeding \$1,000;

(c) \$10 on a claim or counterclaim exceeding \$1,000 plus \$1 for every \$1,000 or a fraction thereof in excess of \$1,000;

but no fee is payable on a claim for wages only, and in no case shall the fee on a claim exceed \$75 or on a counterclaim exceed \$25.

R.S.O. 1950,  
c. 227,  
Form 5,  
repealed

**11.** Form 5 of *The Mechanics' Lien Act* is repealed.

Short title

**12.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1958*.

## CHAPTER 58

**An Act to amend  
The Milk Industry Act, 1957**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses 15 and 16 of subsection 1 of section 7 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor: <sup>1957, c. 70, s. 7, subs. 1, cls. 15, 16, re-enacted</sup>

15. providing for the arbitration by the Board or by a board of arbitration of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by the Board or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15.

**2.** Subsection 1 of section 9 of *The Milk Industry Act, 1957* is amended by striking out "or a regulated product" in the fifth and sixth lines and inserting in lieu thereof "a regulated product or milk for manufacture into a regulated product" and by striking out "or regulated product" in the seventh line and inserting in lieu thereof "regulated product or milk for manufacture into a regulated product", so that the subsection shall read as follows: <sup>1957, c. 70, s. 9, subs. 1, amended</sup>

- (1) Every person, when requested so to do by an officer of the Board or a local board or by a field-man or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products, a regulated product or milk for manufacture into a regulated product, shall, in respect of the fluid milk, fluid milk products, regulated product or milk for manufacture into a regulated product, produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. <sup>Production of records</sup>

1957, c. 70,  
s. 21, subs. 1,  
amended

3. Subsection 1 of section 21 of *The Milk Industry Act, 1957* is amended by inserting after "committees" in the fifteenth line "and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk", so that the subsection shall read as follows:

Collective  
bargaining,  
producers  
and  
distributors

(1) The producers of fluid milk or an association of producers representing them, or the distributors of fluid milk products or an association of distributors representing them, in any market or in any group of markets may by notice require,

(a) in the case of producers, the distributors to whom they sell the fluid milk; or

(b) in the case of distributors, the producers from whom they purchase the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the purchase and sale of the fluid milk and to establish principles upon which quotas or bases shall be determined and establish quota or base committees and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk, and, where the distributors transport the fluid milk from the premises of the producers, the charges that may be made therefor and the terms and conditions relating to the transportation of the fluid milk.

1957, c. 70,  
s. 23, subs. 1,  
re-enacted;  
subs. 2,  
repealed

4. Subsections 1 and 2 of section 23 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor:

Agreements,  
filing and  
commence-  
ment

(1) Every agreement shall be filed forthwith after the making thereof with the Board and the Board may by order declare the agreement or part thereof to come into force on the day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

1957, c. 70,  
s. 25, subs. 1,  
amended

5. Subsection 1 of section 25 of *The Milk Industry Act, 1957* is amended by adding at the commencement thereof "Subject to any agreement made under section 21 or award made under section 22", so that the subsection shall read as follows:

- (1) Subject to any agreement made under section 21 or award made under section 22, only the producers who supplied fluid milk to the market at the time the agreement or award was made are entitled to supply fluid milk to the market while the agreement or award is in effect, provided that any other producer,

Who may supply fluid milk to market

- (a) who has arranged with a distributor in the market to purchase his fluid milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

is entitled to supply fluid milk to the market and is bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

**6.** Every agreement heretofore made under *The Milk Industry Act, 1957* or any predecessor of that Act that is in force on the day this Act comes into force shall be deemed to have been made under *The Milk Industry Act, 1957* as amended by this Act.

Existing agreements continued 1957, c. 70

**7.** This Act comes into force on the day it receives Royal Assent.

Commencement

**8.** This Act may be cited as *The Milk Industry Amendment Act, 1958*.

Short title





## CHAPTER 59

## An Act to amend The Mining Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Act*, as amended by section 1 of *The Mining Amendment Act, 1956* and section 1 of *The Mining Amendment Act, 1957*, is further amended by adding thereto the following clause:

(dd) "holder", when referring to the holder of an unpatented mining claim, a boring permit, a quarry permit or a licence of occupation issued under this Act, means the holder of record.

2.—(1) Subsection 7 of section 52 of *The Mining Act*, as enacted by subsection 2 of section 4 of *The Mining Amendment Act, 1953*, is amended by striking out "licences and" in the second line, so that the subsection shall read as follows:

(7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such leases.

(2) The said section 52, as amended by section 4 of *The Mining Amendment Act, 1953*, is further amended by adding thereto the following subsections:

(8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, shall cease and upon filing a copy of such instrument in the office of the proper mining recorder the lands shall forthwith be open for staking.

(9) Where there is no adverse interest, the Minister may, upon such terms as he may deem just, reinstate a licence terminated under subsection 8.

R.S.O. 1950,  
c. 236, s. 80,  
subs. 6  
(1955, c. 45,  
s. 17,  
subs. 2),  
amended

3. Subsection 6 of section 80 of *The Mining Act*, as re-enacted by subsection 2 of section 17 of *The Mining Amendment Act, 1955*, is amended by inserting after "name" in the fourth line "or of which he is the optionee of record", so that the subsection shall read as follows:

Work to be  
performed  
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name or of which he is the optionee of record, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

R.S.O. 1950,  
c. 236, s. 89,  
subs. 1  
(1954, c. 53,  
s. 7), cl. b,  
re-enacted

4.—(1) Clause *b* of subsection 1 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1954*, is repealed and the following substituted therefor:

- (b) where the prescribed work is not performed within the time stipulated in subsection 1 of section 80, the Commissioner, within six months of the forfeiture, may make an order or orders upon such terms as he considers just relieving the claim from forfeiture and extending the time for performing the work; or

. . . . .

R.S.O. 1950,  
c. 236, s. 89  
(1953, c. 64,  
s. 7), subs. 2,  
re-enacted

(2) Subsection 2 of the said section 89, as re-enacted by section 7 of *The Mining Amendment Act, 1953* and amended by subsection 1 of section 4 of *The Mining Amendment Act, 1956*, is repealed and the following substituted therefor:

Extension  
of time

- (2) If application is made to the Commissioner within thirty days before the time forfeiture or loss of rights would occur, he may make an order or orders granting an extension of time in respect of one or more of the following:

1. For affixing the metal tags to the corner posts of the claim.
2. For performing any work required to be performed.

R.S.O. 1950,  
c. 236, s. 91,  
re-enacted

5. Section 91 of *The Mining Act* is repealed and the following substituted therefor:

Death of  
licensee  
or holder

91. Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded or where the holder of a claim dies before issue of the

patent

patent or lease for the claim, no other person is, without leave of the Commissioner, entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work and applying for patent or lease, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

6.—(1) Subsection 1 of section 109 of *The Mining Act* is R.S.O. 1950, amended by striking out “Mattawan” in the sixth line and c. 236, s. 109, inserting in lieu thereof “Mattawa”. subs. 1, amended

(2) Clause *b* of subsection 1 of the said section 109 is R.S.O. 1950, repealed and the following substituted therefor: c. 236, s. 109, subs. 1, cl. *b*, re-enacted

(*b*) by furnishing the recorder with an application in application to recorder duplicate verified by affidavit in the prescribed form not later than thirty-one days from the date of staking.

7.—(1) Subsection 1 of section 159 of *The Mining Act*, as R.S.O. 1950, re-enacted by section 12 of *The Mining Amendment Act, 1957*, c. 236, s. 159, is amended by inserting after “fenced” in the seventh line (1957, c. 71, s. 12), “or otherwise protected against inadvertent access”, so that subs. 1, amended the subsection shall read as follows:

(1) Where a mine has been abandoned or the work Fencing or other protection of abandoned or unworked mines therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth or other conditions to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the Engineer, except that the Chief Engineer may grant exemption in writing if in his opinion such mine or workings present no greater hazard than the natural topographic features of the district.

(2) Subsection 2 of the said section 159 is amended by inserting after “fencing” in the third line “or protection”, so that the subsection shall read as follows: R.S.O. 1950, c. 236, s. 159, s. 12), subs. 2, amended

Failure  
to erect  
fences or  
protection

- (2) Every such person who, after notice in writing from the Engineer, fails to comply with his directions as to such fencing or protection within the time named in the notice shall be guilty of an offence against this Act.

R.S.O. 1950,  
c. 236, s. 159,  
(1957, c. 71,  
s. 12),  
subs. 3,  
amended

- (3) Subsection 3 of the said section 159 is amended by inserting after "fencing" in the first line "or protection", so that the subsection shall read as follows:

When  
Engineer  
may erect  
fences or  
protection

- (3) Where the Engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12), rule  
242, cl. e,  
re-enacted

- 8.—(1) Clause *e* of rule 242 of section 162 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act*, 1957, is repealed and the following substituted therefor:

- (e) Clauses *c* and *d* do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12), rule  
262,  
amended

- (2) Rule 262 of the said section 162 is amended by adding thereto the following clause:

- (b) In the installation of any newly-acquired hoist, all brake engines shall be so arranged that inadvertent or accidental loss of pressure in the brake system cannot cause the release of the brake.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 263,  
amended

- (3) Rule 263 of the said section 162 is amended by striking out the first four lines and inserting in lieu thereof the following:

Brakes

- (263) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that in shaft

inspection,



inspection, maintenance or sinking operations men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

**9.** Subsection 4 of section 164 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by striking out "A certified copy" in the first line and inserting in lieu thereof "Two certified copies", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 236, s. 164  
(1957, c. 71,  
s. 12),  
subs. 4,  
amended

- (4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister.

Certified  
copies to  
Minister

**10.** Section 201 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 236, s. 201,  
re-enacted

201.—(1) In this section, "co-owner" includes co-lessee and co-licensee, and a corporation with share capital and a shareholder thereof shall be deemed to be co-owners.

Interpre-  
tation

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and the whole of the rents or expenditures has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their portion of the rents or expenditures for a period of four years, the Commissioner, upon the application of any co-owner who has paid the rents or met the expenditures, may make an order requiring the delinquent co-owner or co-owners to pay within three months of the date of the order, or such further time as the Commissioner may fix, his or their proper portion of the rents or expenditures to the co-owner or co-owners who has or have paid the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Commissioner.
- (3) The order may be served in such manner as the Commissioner may direct, and if at the expiration of the period fixed by the order, or such further time as may have been ordered by the Commissioner, it appears to him that payment has not been made in accordance therewith, he may make an order

Default by  
one of  
several  
co-owners,  
etc.

Vesting  
order

vesting



vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the rents or expenditures.

Death of  
delinquent

- (4) Where a delinquent co-owner has died either before or after default in respect of his portion and no person has taken out administration of his estate or has obtained probate of his will, any order made under this section may be directed to and served upon his heirs.

Order  
against  
corporation

- (5) An order made under this section against a corporation shall be directed to such corporation only.

Fee

- (6) An application under subsection 2 shall be accompanied by a fee of \$25.

R.S.O. 1950,  
c. 236, s. 202,  
subs. 1,  
amended

**11.** Subsection 1 of section 202 of *The Mining Act* is amended by striking out "Mattawan" in the third line and inserting in lieu thereof "Mattawa".

R.S.O. 1950,  
c. 236, s. 226  
(1957, c. 71,  
s. 18),  
subs. 2,  
re-enacted

**12.** Subsection 2 of section 226 of *The Mining Act*, as enacted by section 18 of *The Mining Amendment Act, 1957*, is repealed and the following substituted therefor:

Exemption  
from  
acreage  
tax

- (2) Where land that was not subject to tax under this Act becomes subject to tax because the surface rights thereof have been severed from the mining rights for a public road, highway or public utility, the Minister may exempt the mining rights so severed from the tax during such term as he is satisfied that the mining rights are not being used or held for mining purposes.

R.S.O. 1950,  
c. 236,  
Sched.,  
item 18  
(1953, c. 64,  
s. 9, subs. 2),  
re-enacted

**13.**—(1) Item 18 of the Schedule to *The Mining Act*, as re-enacted by subsection 2 of section 9 of *The Mining Amendment Act, 1953*, is repealed and the following substituted therefor:

18. For recording an order of the Mining Commissioner extending the time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim. . . . . \$ 5.00

18a. For recording an order of the Commissioner relieving against forfeiture or loss of rights and extending the time for performing working conditions, affixing metal tags, making application for patent or lease or authorizing the filing of a belated report of work, per claim. . . . . 10.00

(2) The said Schedule is amended by adding thereto the following item: R.S.O. 1950,  
c. 236,  
Sched.,  
amended

21a. For a copy or certified copy of an application to record  
a mining claim or of a report of work, each . . . . \$ 1.00

(3) Item 24 of the said Schedule, as re-enacted by sub- R.S.O. 1950,  
c. 236,  
Sched.,  
item 24  
(1955, c. 45,  
s. 25,  
subs. 4),  
amended  
section 4 of section 25 of *The Mining Amendment Act, 1955*,  
is amended by inserting after “under” in the first line “sub-  
section 2 of”, so that the item shall read as follows:

24. For filing an application for a mining claim under  
subsection 2 of section 61 . . . . . \$10.00

**14.** This Act, except sections 7, 8 and 9, comes into force Commence-  
ment  
on the day it receives Royal Assent.

**15.** This Act may be cited as *The Mining Amendment Act*, Short title  
1958.



## CHAPTER 60

## An Act to amend The Mining Tax Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Mining Tax Act*, as amended by R.S.O. 1950, c. 237, s. 1, section 1 of *The Mining Tax Amendment Act, 1952*, is further amended amended by adding thereto the following clause:

(bb) “fiscal year” means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act, and, in the absence of an established practice, the fiscal year is that adopted by the corporation, but no fiscal year may exceed fifty-three weeks, and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Minister.

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 1, cl. j, re-enacted

(j) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year, and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year.

**2.** Section 2 of *The Mining Tax Act* is repealed.

R.S.O. 1950, c. 237, s. 2, repealed

**3.** Section 3 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 3, re-enacted

**3.**—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister not later When taxes accrue and when payable

than

than two months following the close of the taxation year with respect to the tax payable under section 4 and not later than four months following the close of the taxation year with respect to the tax payable under section 27.

Payment  
of balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 7 or section 31, as the case may be, exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1950,  
c. 237, s. 4,  
subs. 1,  
re-enacted

4.—(1) Subsection 1 of section 4 of *The Mining Tax Act*, as amended by subsections 1 and 2 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Profit tax

- (1) Every mine, the profit of which exceeds \$10,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant, occupier and operator thereof shall pay a tax of,

(a) 6 per cent on the excess of profit above \$10,000 and up to \$1,000,000;

(b) 11 per cent on the excess of profit above \$1,000,000 and up to \$5,000,000; and

(c) 12 per cent on the excess of profit above \$5,000,000.

R.S.O. 1950,  
c. 237, s. 4,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 4, as amended by subsections 1 and 2 of section 2 of *The Mining Tax Amendment Act, 1955* and subsection 3 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Ascertain-  
ment of  
profit

- (3) The profit for a taxation year is the difference between,

(a) the amount of the gross receipts from the output of the mine during the taxation year; or

(b) in case the ore, mineral or mineral bearing substance or any part thereof is not sold but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine, the amount of the actual market value of the output at the pit's mouth; or

(c)



- (*c*) if there is no means of ascertaining the actual market value of the output at the pit's mouth, the amount at which the mine assessor appraises such output,

and the following expenses, payments, allowances or deductions:

- (*d*) the cost of transportation of any output sold if paid or borne by the owner, holder, lessee, tenant, occupier or operator;
- (*e*) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (*f*) the cost of power, light and transportation used in the mining operations and in handling the ore or mineral;
- (*g*) the net cost of food and provisions supplied to the employees of the mine;
- (*h*) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (*i*) any proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (*j*) the cost of proper insurance upon the output if paid or borne by the owner, holder, lessee, tenant, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the ore or mineral;
- (*k*) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where

the

the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section;

- (l) subject to the approval of the mine assessor and notwithstanding anything in this subsection, at least 15 per cent of the expenditure incurred, following the commencement of production and which has not at any time in a previous year been allowed as an expense, for actual exploration and development work done in Ontario where the work has as its object the finding, testing or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
  - (i) that such expenditure does not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
  - (ii) that such expenditure was made or borne by the person liable for taxation upon the mine under this Act, and
  - (iii) that separate accounts of such expenditure are kept and furnished in reasonable detail with the return required under section 7;
- (m) donations actually made for charitable, educational or patriotic purposes that are approved by the mine assessor.

R.S.O. 1950, c. 237, s. 4, subss. 6 (1957, c. 72, s. 1, subss. 5), amended (3) Subsection 6 of the said section 4, as re-enacted by subsection 5 of section 1 of *The Mining Tax Amendment Act*, 1957, is amended by striking out "annual profits" in the first

line and inserting in lieu thereof "profit" and by striking out "calendar" in the seventh line and inserting in lieu thereof "taxation", so that the subsection shall read as follows:

- (6) In ascertaining and fixing the profit of a mine for the purpose of this section in respect of the tax payable under this section in 1949 and thereafter, the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid during the taxation year under the *Emergency Gold Mining Assistance Act* (Canada) and the mine assessor may prorate such deduction to mining and processing costs in such proportions as he deems equitable.
- Assistance payments may be deducted from expenses  
R.S.C. 1952, c. 95

- (4) Subsection 7 of the said section 4 is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 4, subs. 7, re-enacted

- (7) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rates mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365.
- Part-year production

5. Section 7 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1950, c. 237, s. 7, re-enacted

- 7.—(1) Every person liable to pay the tax imposed by section 4 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed by section 4 shall, upon receipt of a notice or demand in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.
- Return

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under
- Idem

section 8, and such certificate shall be signed by an officer who has personal knowledge of the affairs of the mine but the mine assessor may require such return or any part thereof to be made or verified under oath.

R.S.O. 1950,  
c. 237, s. 11,  
amended

**6.** Section 11 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Adjustment  
of tax  
after  
appeals

- (9) Where an appeal is taken under this section, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith.

R.S.O. 1950,  
c. 237, s. 12,  
re-enacted

**7.** Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of  
assessment

- 12.—(1) The mine assessor, after examining the return delivered under section 7, shall send a notice of assessment to the person liable for the tax payable by section 4 confirming or altering the amount of the tax as estimated in the return and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal is taken under section 11.

Refunds

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the tax shall be remitted forthwith to the person liable for such tax.

R.S.O. 1950,  
c. 237,  
ss. 31, 32, 33,  
re-enacted

**8.** Sections 31, 32 and 33 of *The Mining Tax Act* are repealed and the following substituted therefor:

Return

- 31.—(1) Every person liable to pay the tax imposed by section 27 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed under section 27 shall, upon receipt of a notice in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.

Idem

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included therein is in agreement

with

with the book required to be kept under section 28, and such certificate shall be signed by an officer or person who has personal knowledge of the affairs of the well or wells, but the mine assessor may require such return to be made or verified under oath.

- 32.—(1) The mine assessor, after examining the return delivered under section 31, shall send a notice of assessment to the person liable for the tax imposed by section 27 confirming or altering the amount of the tax as estimated in the return, and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment whether or not an appeal is taken under section 33.

Notice of  
assessment,  
under-  
payments

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the amount of the tax shall be remitted forthwith to the person liable for such tax.

Refunds

- 33.—(1) If the owner, lessee, tenant, occupier or operator appeals the notice given under section 32, the dispute shall be heard by the Mining Commissioner or the Ontario Municipal Board as the Minister directs, and the decision of the Mining Commissioner or Board, as the case may be, is final and conclusive, and the quantity so found shall be entered on the return required under section 31 as the true quantity and the tax for such period shall be computed thereon.

Disputed  
notice

- (2) Where an appeal is taken under subsection 1, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith.

Adjustment

9. Section 35 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 237, s. 35,  
re-enacted

- 35.—(1) Where the amount paid on account of tax payable under this Act by a person for a taxation year, before the expiration of the time allowed for delivering of the return under section 7 or section 31, is less than the amount of tax payable for the taxation year, the person liable to pay the tax shall pay interest on the difference between those two amounts

Interest  
on unpaid  
tax

from



from the expiration of the time for delivering the return to the date of payment at the rate of 6 per cent per annum.

Idem

- (2) Where a person is required by subsection 1 of section 3 to pay a tax imposed by this Act and he has failed to pay all or any part thereof as required, the person, in addition to the interest payable under subsection 1, shall pay interest on the amount he failed to pay at 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Ten per cent to be added for default

- (3) Where any tax imposed under this Act is not paid at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act.

R.S.O. 1950, c. 237, s. 42, re-enacted

**10.** Section 42 of *The Mining Tax Act* is repealed and the following substituted therefor:

Penalty for failure to comply with s. 7 or s. 31

42. Every person who is required to deliver a return under section 7 or to furnish a statement under section 31 shall, in case of failure to deliver the return or furnish the statement, as the case may be, incur a penalty of \$20 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

Application of prior Act R.S.O. 1950, c. 237

**11.—(1)** *The Mining Tax Act* as it was on the 31st day of December, 1957, continues to apply to taxes accrued under the Act on or before that date as though this Act had not been passed.

Application of Act as amended

(2) *The Mining Tax Act* as amended by this Act applies to the whole or any part, as the case may be, of the taxation year that ends in 1958 following the 1st day of January, 1958, and to every taxation year thereafter.

(3) In subsection 2, "taxation year" has the same meaning <sup>Interpre-</sup> as in section 1 of *The Mining Tax Act*, as amended by section 1 <sup>tation</sup> of this Act.

**12.** This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1958. <sup>ment</sup>

**13.** This Act may be cited as *The Mining Tax Amendment* <sup>Short title</sup> *Act, 1958.*



## CHAPTER 61

### An Act to amend The Mortgages Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 19*a* of *The Mortgages Act*, as enacted by subsection 1 of section 1 of *The Mortgages Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 239, s. 19*a* (1953, c. 66, s. 1, subs. 1), subs. 2, re-enacted

(2) Notwithstanding subclause ii of clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person having a subsequent lien, charge or encumbrance, made under subsection 1 within ten days after service of notice of the judgment has been made upon him. Stay of proceedings on application of subsequent encumbrancer

(3) Where proceedings have been stayed under subclause ii of clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay. Subsequent default

**2.** This Act may be cited as *The Mortgages Amendment Act, 1958*. Short title





CHAPTER 62

An Act to amend  
The Mothers' and Dependent Children's  
Allowances Act, 1957

Assented to March 27th, 1958  
Session Prorogued March 27th, 1958

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Clauses *f*, *h* and *l* of section 1 of *The Mothers' and Dependent Children's Allowances Act, 1957* are repealed and the following substituted therefor: 1957, c. 73,  
s. 1,  
cl. f, h, l,  
re-enacted

(*f*) "Director" means Director of the Welfare Allowances  
Branch of the Department of Public Welfare;

. . . . .

(*h*) "foster-mother" means foster-mother of, or person  
acting in *loco parentis* to, a dependent foster-child;

. . . . .

(*l*) "regional administrator" means a regional welfare  
administrator or any other employee of the Depart-  
ment of Public Welfare whom the Minister designates  
as such under this Act.

2. Subclause iv of clause *a* of section 2 of *The Mothers' and Dependent Children's Allowances Act, 1957* is repealed and the following substituted therefor: 1957, c. 73,  
s. 2, cl. a,  
subcl. iv,  
re-enacted

(iv) whose dependent child was born out of wedlock,  
where the mother is eighteen years or more of age  
and her dependent child is six months or more of age,  
or

. . . . .

3. *The Mothers' and Dependent Children's Allowances Act, 1957* is amended by adding thereto the following section: 1957, c. 73,  
amended

2a.

Interpre-  
tation

2a. For the purposes of subclause viii of clause *a* of section 2, any period during which the mother was in receipt of public assistance in the form of direct relief paid to her or on her behalf by a province or municipality, other than Ontario or a municipality in Ontario, shall be deemed not to be a period of residence in Ontario.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1958*.

## CHAPTER 63

**An Act to amend  
The Motor Vehicle Fuel Tax Act, 1956**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 3 of *The Motor Vehicle Fuel Tax Act, 1956*, as amended by subsection 1 of section 2 of *The Motor Vehicle Fuel Tax Amendment Act, 1957*, is further amended by striking out “20” in the amendment of 1957 and inserting in lieu thereof “18.5”, so that the subsection shall read as follows:

- (1) Every purchaser shall pay to the Treasurer a tax <sup>Tax</sup> at the rate of 18.5 cents per imperial gallon on all fuel received by him.

(2) Subsection 2 of the said section 3, as amended by sub-<sup>1956, c. 49,</sup> section 2 of section 2 of *The Motor Vehicle Fuel Tax Amend-<sup>s. 3, subs. 1,</sup>ment Act, 1957*, is further amended by striking out “20” in the amendment of 1957 and inserting in lieu thereof “18.5”, so that the subsection shall read as follows:

- (2) Every registrant shall pay to the Treasurer a tax at <sup>Idem</sup> the rate of 18.5 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle.

**2.** *The Motor Vehicle Fuel Tax Act, 1956* is amended by <sup>1956, c. 49,</sup> adding thereto the following section:

- 3a.**—(1) Where there are more than forty imperial gallons of fuel in the fuel tank, including any supplemental tanks, of a motor vehicle, such fuel shall be deemed to have been purchased in Ontario, and the person in charge of any such motor vehicle shall have in his possession proof that the tax imposed by this Act was paid on the portion of such fuel in excess of forty imperial gallons.

Offence  
and  
penalty

- (2) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

Exception

- (3) This section does not apply to a public commercial vehicle for which there has been issued a Class L single-trip permit under *The Public Commercial Vehicles Act*.

R.S.O. 1950,  
c. 304

Commence-  
ment

- 3.** This Act comes into force on the 1st day of April, 1958.

Short title

- 4.** This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1958*.

## CHAPTER 64

## An Act to amend The Municipal Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out "or town" in the second line, so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 13 (1954, c. 56, s. 1), subs. 1, amended

- (1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other municipality into not less than three wards each having a population of not less than 500, and shall designate the name or number each ward shall bear. Wards

**2.** Subsection 8 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by inserting after "petition" in the seventh line "or within such longer period as the Municipal Board may fix", so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 14 (1954, c. 56, s. 1), subs. 8, amended

- (8) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of the city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition or within such longer period as the Municipal Board may fix submit to the electors of the city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if the by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 2. By law to be submitted on petition

**3.**—(1) Subsection 1 of section 51 of *The Municipal Act* is amended by inserting after "reeve" where it occurs the R.S.O. 1950, c. 243, s. 51, subs. 1, amended



second time in the third line and in the sixth line respectively “where so entitled”, so that the subsection shall read as follows:

Councils of  
towns of  
more than  
5,000 in  
counties

- (1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and three councillors for each ward, but if there are five or more wards the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward.

R.S.O. 1950,  
c. 243, s. 51,  
subs. 2,  
re-enacted

- (2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Alternate  
powers

- (2) Where the town has less than five wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and six councillors, or a mayor, a reeve, a deputy reeve where so entitled, and four councillors, to be elected by general vote, and, where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and one councillor for each ward.

R.S.O. 1950,  
c. 243, s. 51,  
subs. 3,  
amended

- (3) Subsection 3 of the said section 51 is amended by inserting after “reeve” in the third line “where so entitled”, so that the subsection, exclusive of the clauses, shall read as follows:

Case of town  
of not more  
than 5,000

- (3) Where the town has a population of not more than 5,000, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and,

. . . . .

R.S.O. 1950,  
c. 243, s. 51,  
subs. 6,  
amended

- (4) Subsection 6 of the said section 51 is amended by striking out “annual” in the second line.

R.S.O. 1950,  
c. 243, s. 51,  
subs. 7,  
amended

- (5) Subsection 7 of the said section 51 is amended by striking out “annual” in the ninth line.

R.S.O. 1950,  
c. 243, s. 51,  
subs. 8,  
amended

- (6) Subsection 8 of the said section 51 is amended by striking out “annual” in the sixth line.

R.S.O. 1950,  
c. 243, s. 54,  
subs. 2  
(1957, c. 76,  
s. 5),  
re-enacted

4. Subsection 2 of section 54 of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act*,

1957 (No. 2), is repealed and the following substituted therefor:

- (2) The number of municipal electors shall be determined by the last revised voters' list but, in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 58 or who is entered on the list as a farmer's daughter or farmer's sister or farmer's son's wife shall not be counted.
- Number of electors, how determined

5. Subsection 3 of section 56 of *The Municipal Act* is amended by adding thereto the following clause:

R.S.O. 1950, c. 243, s. 56, subs. 3, amended

- (i) of his purchasing or owning a debenture of the corporation.

6. Section 69 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950, c. 243, s. 69, re-enacted

69. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two conspicuous places in the township.
- Notice

7. Subsection 2 of section 81 of *The Municipal Act*, as amended by section 12 of *The Municipal Amendment Act, 1955*, is further amended by adding at the end thereof "or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be", so that the subsection shall read as follows:

R.S.O. 1950, c. 243, s. 81, subs. 2, amended

- (2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be.
- Polling places to be provided

R.S.O. 1950,  
c. 243, s. 104,  
subs. 1,  
amended

**8.** Subsection 1 of section 104 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1955*, is further amended by striking out "annual" in the sixth line.

R.S.O. 1950,  
c. 243, s. 164,  
amended

**9.** Section 164 of *The Municipal Act*, as amended by section 4 of *The Municipal Amendment Act, 1953*, is further amended by adding "or" at the end of clause *f* and by adding thereto the following clauses:

(g) is elected to fill a vacancy in the office of mayor, reeve or deputy reeve; or

(h) is elected to fill a vacancy in the board of control,

. . . . .

R.S.O. 1950,  
c. 243, s. 169,  
subs. 1,  
amended

**10.—**(1) Subsection 1 of section 169 of *The Municipal Act* is amended by striking out "in a city where aldermen" in the second line and inserting in lieu thereof "or councillor where aldermen or councillors", so that the subsection shall read as follows:

Vacancy in  
office of  
alderman or  
councillor  
where  
election is by  
general vote

(1) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed time, and if he fails to do so or disclaims the office, one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.

R.S.O. 1950,  
c. 243, s. 169,  
subs. 6,  
amended

(2) Subsection 6 of the said section 169 is amended by inserting after "aldermen" in the first line "or councillors", so that the subsection shall read as follows:

When  
council to  
elect person  
to fill  
vacancy

(6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant.

R.S.O. 1950,  
c. 243, s. 170,  
subs. 1,  
amended

**11.—**(1) Subsection 1 of section 170 of *The Municipal Act* is amended by striking out "of a city" in the first line and inserting in lieu thereof "reeve or deputy reeve", so that the subsection shall read as follows:

- (1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term.

Vacancy in  
office of  
mayor, reeve  
or deputy  
reeve

- (2) Subsection 2 of the said section 170 is repealed.

R.S.O. 1950,  
c. 243, s. 170,  
subs. 2,  
repealed

- (3) Subsection 4 of the said section 170 is amended by striking out "where aldermen" in the first and second lines and inserting in lieu thereof "or councillor where aldermen or councillors", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 170,  
subs. 4  
amended

- (4) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant.

Vacancy in  
office of  
alderman or  
councillor  
where  
election is  
not by  
general vote

- 12.** Subsection 2 of section 222 of *The Municipal Act* is amended by inserting after "elections" in the second line "or three biennial elections, as the case may be", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 222,  
subs. 2,  
amended

- (2) No such by-law shall be repealed without the assent of the municipal electors, nor until at least five annual elections or three biennial elections, as the case may be, have been held under it, and no repealing by-law shall be passed later in the year than the 1st day of November.

Repeal of  
by-law

- 13.** Section 228 of *The Municipal Act* is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 243, s. 228,  
amended

- (3) The council of any municipality may by by-law appoint a member of the council to act from time to time in the place and stead of the head of the council when the head of the council is absent from the municipality or absent through illness or his office is vacant, and while so acting such member shall have and may exercise all the rights, powers and authority of the head of the council.

Idem

- 14.** Subsection 1 of section 234 of *The Municipal Act*, as re-enacted by subsection 1 of section 8 of *The Municipal Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 234,  
subs. 1  
(1956, c. 50,  
s. 8, subs. 1),  
re-enacted



Inspection  
of records,  
books, etc.,  
in possession  
of clerk

- (1) Except as otherwise provided in any Act, any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the clerk, except inter-departmental correspondence and reports of officials of any department or of solicitors for the corporation made to council, board of control or any committee of council and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand to any applicant on payment at the rate of 10 cents for every 100 words or such other rate as the council may fix.

R.S.O. 1950,  
c. 243,  
amended

**15.** *The Municipal Act* is amended by adding thereto the following section:

County  
assessor as  
local assessor

- 244a. A local municipality that forms part of a county, with the consent of the county council, may appoint the county assessor to be the assessment commissioner or assessor for the local municipality upon such terms as may be agreed upon between the county and the local municipality.

R.S.O. 1950,  
c. 243, s. 273,  
subs. 4,  
repealed

**16.**—(1) Subsection 4 of section 273 of *The Municipal Act* is repealed.

R.S.O. 1950,  
c. 243, s. 273,  
subs. 7,  
amended

(2) Subsection 7 of the said section 273 is amended by striking out "annual" where it occurs in the third line and in the fourth line respectively and inserting in lieu thereof "municipal", so that the subsection shall read as follows:

Notice

- (7) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the municipal election, and, in that case, shall state that the votes will be taken at the municipal election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk.

R.S.O. 1950,  
c. 243, s. 298,  
subs. 1,  
cl. d,  
re-enacted

**17.** Clause *d* of subsection 1 of section 298 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of  
Water  
Resources  
Commission  
1957, c. 88

- (*d*) the approval of the Ontario Water Resources Commission as required by section 30 or 31 of *The Ontario Water Resources Commission Act, 1957* if the by-law is for raising money for any of the purposes mentioned in section 30 or 31 of that Act.

R.S.O. 1950,  
c. 243, s. 307,  
subs. 1,  
amended

**18.**—(1) Subsection 1 of section 307 of *The Municipal Act* is amended by striking out "shall" in the second line and

inserting



inserting in lieu thereof "may", so that the subsection shall read as follows:

- (1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them.

Money  
by-laws to be  
registered

- (2) Subsections 2 and 3 of the said section 307 are repealed.

R.S.O. 1950,  
c. 243, s. 307,  
subs. 2, 3,  
repealed

- (3) Subsection 4 of the said section 307 is amended by striking out "to which subsection 3 applies" in the seventh line and inserting in lieu thereof "passed under *The Municipal Drainage Act* or *The Local Improvement Act*", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 307,  
subs. 4,  
amended

- (4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Municipal Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Application  
to quash  
registered  
by-law,  
when to  
be made

R.S.O. 1950,  
c. 262

R.S.O. 1950,  
cc. 246, 215

**19.** Section 308 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 308  
(1957, c. 75,  
s. 1),  
re-enacted

- 308.—(1) The council of every local municipality in each year shall levy on the whole of the assessment for property and business assessment, according to the last revised assessment roll, a sum equal to the aggregate of the sums required by law to be provided by the council for school purposes and for any board, commission, county or other body.

Annual levy  
for school  
purposes,  
etc.

Rates for  
general  
purposes on  
commercial  
property and  
business  
assessment

- (2) The council of every local municipality in each year shall levy on the whole of,
- (a) the assessment for real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof; and
  - (b) the business assessment; and
  - (c) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for the payment within the year of the sums adopted under section 311 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessments under clauses *a*, *b* and *c* bears to the total assessment for real property and business assessment according to the last revised assessment roll.

Rates for  
general  
purposes on  
residential  
and farm  
property

- (3) The council of every local municipality in each year shall levy on the whole assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for payment within the year of the sums adopted under section 311 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, bears to the total assessment for real property and business assessment according to such roll, less the amount of the estimated revenue from payments to be received in that year by the municipality under *The Municipal Unconditional Grants Act, 1953*.

**20.** *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 243,  
amended

312a.—(1) Where a contribution is received by a municipal corporation in consideration of the expense incurred or to be incurred by the corporation as a result of a proposed subdivision of land, such contribution shall be used only to meet expenditures for work done within the subdivision or for the benefit or use of the occupiers or subsequent occupiers of the land within the subdivision or to meet expenditures incurred wholly or in part by reason of the subdivision of such land and, where a contribution is made for a specific purpose, it may be used only to meet expenditures for such purpose. Contribu-  
tions re  
expenses  
incurred by  
corporation  
re proposed  
subdivision  
of land

(2) Such contributions shall be paid into a special account and subsection 2 of section 312 shall apply *mutatis mutandis* thereto. Special  
account

(3) Notwithstanding subsection 1, if any of the contributions referred to in subsection 1 are not required or likely to be required for the purposes mentioned in subsection 1, they may, with the approval of the Department, be expended for some other purpose. Use for other  
purposes

**21.**—(1) Subsection 1 of section 315 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsections 2 and 3", so that the subsection shall read as follows: R.S.O. 1950,  
c. 243, s. 315,  
subs. 1,  
amended

(1) Subject to subsections 2 and 3, money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the municipality. Application  
of proceeds  
of debentures

(2) The said section 315, as amended by section 13 of *The Municipal Amendment Act, 1951*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 243, s. 315,  
amended

(3) Where the amount realized from the sale or hypothecation of any debentures is not required for the purpose or purposes for which the debentures were issued, it may be applied to buy back the debentures or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which Application  
of amounts  
not required  
for purposes  
of debentures

if raised by taxation would be raised by taxation levied upon the assessment of the same class of rate-payers as would have been levied upon to meet the debt charges if the amount had been expended for the purpose or purposes for which the debentures were issued.

R.S.O. 1950,  
c. 243, s. 339,  
subs. 3,  
re-enacted

**22.** Subsection 3 of section 339 of *The Municipal Act* is repealed and the following substituted therefor:

Deficit on  
sale of  
debentures

- (3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of the debenture issue, the amount of the deficit or the part so required,

(a) shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures and the levy made in the first year for such purpose; or

(b) shall be added in equal portions to the sum to be levied for the annual payment of principal and interest on the debentures in each year commencing with the first year in which such levy is made and annually thereafter over such period of years not exceeding five years in all as may be approved by the Ontario Municipal Board,

and the levy made in each of such years shall be increased accordingly.

R.S.O. 1950,  
c. 243, s. 341,  
amended

**23.—**(1) Section 341 of *The Municipal Act* is amended by adding thereto the following subsections:

Limit at  
any one  
time

- (2a) The amount which may be borrowed at any one time for the purposes mentioned in subsection 1, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

Treasurer  
to furnish  
lender with  
copy of  
by-law, etc.

- (2b) At the time, after the 30th day of June in any year, that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the

by-law



by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid.

(2) Subsection 3 of the said section 341 is amended by striking out "limitation upon borrowing prescribed by subsection 2" in the first and second lines and inserting in lieu thereof "limitations upon borrowing prescribed by subsections 2 and 2a", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 341,  
subs. 3,  
amended

(3) Until such estimates are adopted, the limitations upon borrowing prescribed by subsections 2 and 2a shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Subsection 4 of the said section 341 is amended by striking out "subsections 2 and 3" in the first line and inserting in lieu thereof "this section", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 341,  
subs. 4,  
amended

(4) For the purposes of this section, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

Exclusion  
from  
estimated  
revenues

**24.**—(1) Subsection 12 of section 350 of *The Municipal Act* is repealed.

R.S.O. 1950,  
c. 243, s. 350,  
subs. 12,  
repealed

(2) Clause *b* of subsection 13 of the said section 350 is amended by inserting after "to" in the third line "determine or", so that the clause shall read as follows:

R.S.O. 1950,  
c. 243, s. 350,  
subs. 13,  
cl. b,  
amended

(b) Notwithstanding that entry is deferred, the corporation or the owner may proceed at once after the passing of the by-law to determine or have determined the compensation, if any, payable hereunder in respect of any land.

Fixing com-  
pensation for  
land apart  
from  
buildings

(3) Clauses *d* and *e* of subsection 13 of the said section 350 are repealed.

R.S.O. 1950,  
c. 243, s. 350,  
subs. 13,  
cls. d, e,  
repealed

(4) Clause *a* of subsection 14 of the said section 350 is amended by striking out "and such compensation shall be

R.S.O. 1950,  
c. 243, s. 350,  
subs. 14,  
cl. a,  
amended

determined



determined by the board of arbitrators in the manner above set out" in the third and fourth lines, so that the clause shall read as follows:

Fixing  
compensa-  
tion for  
buildings

- (a) Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry.

R.S.O. 1950,  
c. 243, s. 368,  
amended

**25.** Section 368 of *The Municipal Act* is amended by striking out "sheriff and" in the fourth line, so that the section shall read as follows:

Use of  
county jails  
and court  
houses by  
city or  
separated  
town

368. The court house and the jail of the county in which a city or separated town is situate shall, except where the city has provided one for itself, be the court house or jail, as the case may be, of the city or town, and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the city or town.

R.S.O. 1950,  
c. 243, s. 369,  
subs. 1,  
amended

**26.** Subsection 1 of section 369 of *The Municipal Act* is amended by striking out "sheriff" in the first line and inserting in lieu thereof "jailer", so that the subsection shall read as follows:

Custody of  
jails

- (1) The jailer shall have the care of the county jail, jail offices and yard and jailer's apartments.

R.S.O. 1950,  
c. 243,  
amended

**27.** *The Municipal Act* is amended by adding thereto the following section:

Responsi-  
bility for  
conveying  
prisoners

- 372a. Where the attendance of a prisoner confined in a jail is required at a hearing or proceeding, the municipality in which the hearing or proceeding is held shall be responsible for conveying the prisoner from the jail to the place of the hearing or proceeding and for his return, and,

- (a) where the hearing or proceeding is held in a city or separated town, the expense incurred thereby shall be shared by the county and the city or separated town in the same manner and in the same proportion as a charge or expense relating to the administration of justice under section 373; and
- (b) where the hearing or proceeding is held in a local municipality other than a city or separated town, the county shall reimburse the local municipality for the expense incurred thereby.

28.—(1) Paragraph 4 of section 386 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 386,  
par. 4,  
re-enacted

4. For entering into an agreement with the corporation of an adjoining municipality or with the owner of any sewage works for the use or interchange of any sewage works for the disposal, interception or purification of sewage, and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality or party to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use.

Agreement with adjoining municipality or the owner of any works as to sewage works

(2) The said section 386 is amended by adding thereto the following paragraph:

R.S.O. 1950,  
c. 243, s. 386,  
amended

- 5a. For entering into agreement with one or more municipalities for the establishment, acquisition, enlargement or extension of water systems, sewage systems and sewage disposal works to be jointly owned by the municipalities which have entered into agreement and operated for their joint use upon such terms as may be agreed upon.

Joint acquisition and operation of water system, etc.

(3) Paragraph 49 of the said section 386, as re-enacted by subsection 5 of section 10 of *The Municipal Amendment Act, 1953* and amended by subsection 4 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by striking out "he would have earned in six months" in the seventh and eighth lines and inserting in lieu thereof "of one-half year's earnings", so that the paragraph, exclusive of the clauses, shall read as follows:

R.S.O. 1950,  
c. 243, s. 386,  
par. 49  
(1953, c. 70,  
s. 10,  
subs. 5),  
amended

49. For establishing a plan of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Sick leave credit gratuities

(4) Clause *e* of paragraph 53 of the said section 386, as re-enacted by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, is amended by striking out "resident ratepayers" in the second line and inserting in lieu thereof "persons who are qualified to be elected as members of the council", so that the clause shall read as follows:

R.S.O. 1950,  
c. 243, s. 386,  
par. 53, cl. *e*  
(1954, c. 56,  
s. 20,  
subs. 8),  
amended

- (e) The council may appoint not less than three and not more than seven persons who are qualified to be elected as members of the council to act on its behalf as a board of management for any undertaking under this paragraph and, where the board is composed of five or more persons, at least two shall be members of the council.

R.S.O. 1950,  
c. 243, s. 386,  
par. 53, cl. *ee*  
(1954, c. 56,  
s. 20,  
subs. 8),  
amended

(5) Clause *ee* of paragraph 53 of the said section 386, as enacted by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, is amended by striking out "resident ratepayer" in the third line and inserting in lieu thereof "person who is qualified to be elected as a member of the council", so that the clause shall read as follows:

- (*ee*) Where two or more municipalities have entered into an agreement under clause *d*, each member of the board shall be a person who is qualified to be elected as a member of the council of one of such municipalities and, where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 16,  
amended

**29.**—(1) Paragraph 16 of subsection 1 of section 388 of *The Municipal Act* is amended by striking out "and" at the end of clause *b* and by striking out clause *c* and inserting in lieu thereof the following:

- (*c*) detonators and detonator caps; and
- (*d*) other dangerous or combustible, inflammable or explosive substances.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 66, cl. *a*,  
subcl. i,  
re-enacted

(2) Subclause *i* of clause *a* of paragraph 66 of subsection 1 of the said section 388 is repealed and the following substituted therefor:

- (i) "public utility undertaking" means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 66, cl. *e*,  
amended

(3) Clause *e* of paragraph 66 of subsection 1 of the said section 388 is amended by adding at the end thereof "or which the Ontario Water Resources Commission has required

a municipality to undertake, as provided in *The Ontario Water Resources Commission Act, 1957*", so that the clause shall read as follows:

- (e) This paragraph shall not apply to a proposed work <sup>Idem</sup> which the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*, or which the Ontario Water Resources Commission has required a municipality to undertake, as provided in *The Ontario Water Resources Commission Act, 1957*. <sup>R.S.O. 1950, c. 306  
1957, c. 88</sup>

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph: <sup>R.S.O. 1950, c. 243, s. 388, subs. 1, amended</sup>

66a. For acquiring, establishing, constructing, maintaining and operating a street lighting system. <sup>Street lighting systems</sup>

(5) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph: <sup>R.S.O. 1950, c. 243, s. 388, subs. 1, amended</sup>

108a. For prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner thereof. <sup>Prohibiting unauthorized parking on private property</sup>

(a) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.

(b) Subsection 10 of section 43 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. <sup>R.S.O. 1950, c. 167</sup>

(c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

(d) The driver or owner of a motor vehicle parked or left on private property shall not be liable to a penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the occupant or any adult resident of the property.



R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
amended

(6) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

Pits and  
quarries

115. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within 300 feet of a road and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and the area within 300 feet of their edge or rim so that they will not be dangerous or unsightly to the public.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 121,  
cl. a,  
amended

(7) Clause *a* of paragraph 121 of subsection 1 of the said section 388 is amended by inserting after "includes" in the second line "an automobile service station as defined in clause *a* of paragraph 122", so that the clause shall read as follows:

- (a) For the purpose of this paragraph, a public garage includes an automobile service station as defined in clause *a* of paragraph 122, a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 122,  
amended

(8) Paragraph 122 of subsection 1 of the said section 388 is amended by adding thereto the following clause:

- (e) A licence may be required under this paragraph in addition to a licence under paragraph 121.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
amended

(9) Subsection 1 of section 388 of *The Municipal Act* is amended by adding thereto the following paragraph:

Adoption of  
codes and  
standards

- 125a. For the purposes of any by-law passed under paragraph 11, 124 or 125, for adopting by reference to the Ontario Regulations as amended from time to time the codes and standards or the parts thereof as adopted and changed by the Ontario Fuel Board by regulation under *The Ontario Fuel Board Act, 1954*.

1954, c. 63

R.S.O. 1950,  
c. 243, s. 389  
(1957, c. 76,  
s. 22),  
subs. 1, cl. b,  
amended

**30.** Clause *b* of subsection 1 of section 389 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by striking out "and includes the amount of debentures, and interest thereon, issued to finance the cost of constructing sewage works, whether paid or unpaid" in the fourth, fifth, sixth and seventh lines, so that the clause shall read as follows:



- (b) "capital cost" means the cost of constructing sewage works, inclusive of all items of cost usually and properly chargeable to capital account.

**31.**—(1) Paragraph 4 of subsection 1 of section 390 of *The Municipal Act*, as amended by subsection 2 of section 17 of *The Municipal Amendment Act, 1951*, is further amended by inserting after "erected" in the third line "within the municipality or", so that the paragraph shall read as follows:

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

(2) Subsection 9 of the said section 390 is repealed and the following substituted therefor:

- (9) No part of any by-law that repeals or amends a by-law passed under this section and approved by the Municipal Board shall come into force without the approval of the Municipal Board.

**32.** Paragraph 8 of subsection 1 of section 410 of *The Municipal Act*, as amended by section 21 of *The Municipal Amendment Act, 1951*, is further amended by adding after "force" in the eleventh line "and for revoking any such licence", so that the paragraph, exclusive of the clauses, shall read as follows:

8. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a licence to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the licence shall be in force; and for revoking any such licence.

R.S.O. 1950,  
c. 243, s. 413,  
par. 12,  
amended

**33.** Paragraph 12 of section 413 of *The Municipal Act* is amended by inserting after "camps" in the second line "and motels" and by inserting after "camps" where it occurs the second time in the third line "or motels", so that the paragraph, exclusive of the clauses, shall read as follows:

Tourist and  
trailer camps

12. For licensing, regulating and governing tourist camps and trailer camps and motels and for designating areas of land to be used as tourist camps or trailer camps or motels, and for prohibiting the use of other land for such purposes.

R.S.O. 1950,  
c. 243, s. 420,  
amended

**34.** Section 420 of *The Municipal Act* is amended by striking out "highway or of any work" in the third line and inserting in lieu thereof "work, other than a highway", so that the section shall read as follows:

Appointment  
of member  
of council  
as road  
commis-  
sioner, etc.

420. A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation, and may be paid the like remuneration for his services as if he were not a member of the council.

R.S.O. 1950,  
c. 243, s. 503,  
subs. 8,  
amended

**35.** Subsection 8 of section 503 of *The Municipal Act* is amended by striking out "annual" in the first line.

R.S.O. 1950,  
c. 243, s. 509,  
subs. 1,  
re-enacted

**36.** Subsection 1 of section 509 of *The Municipal Act* is repealed and the following substituted therefor:

Reduction of  
township  
rates for  
general  
purposes

(1) The ratepayers of the village shall be entitled to such deduction from the township rate for general purposes payable by them as may be agreed upon between the trustees and the council of the township or, if the village comprises parts of two or more townships, by the councils of the respective townships or, if they are unable to agree, as shall be determined by a judge of the county court of the county in which the village is situated or, if the village is situated in two or more counties, of the county in which the assessment of the lands in the part of the village within the county is larger than the assessment of the lands in the part of the village within any other county.

R.S.O. 1950,  
c. 243, s. 511,  
amended

**37.** Section 511 of *The Municipal Act* is amended by adding thereto the following clause:

(c) enter into agreements for the supply of fire protection in the village by any person or corporation,

. . . . .

**38.** Subsection 1 of section 515 of *The Municipal Act* is amended by striking out "or failing agreement as may be determined by the Municipal Board" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 515,  
subs. 1,  
amended

- (1) The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Fire-  
protection  
agreements

**39.** Section 531*b* of *The Municipal Act*, as enacted by section 36 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 243, s. 531*b*  
(1954, c. 56,  
s. 36),  
amended

- (9) Where the secretary-treasurer is the chairman of the board, he shall be eligible to sit and vote as a member of the county council and clause *e* of subsection 1 of section 56 shall not apply.

Secretary-  
treasurer  
eligible as  
member of  
county  
council

**40.**—(1) This Act, except sections 4, 25, 26 and 27, subsection 2 of section 29, and section 39, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 4 and 39 shall be deemed to have come into force on the 1st day of January, 1958.

Idem

(3) Section 27 comes into force on the 1st day of July, 1958.

Idem

(4) Subsection 2 of section 29 shall be deemed to have come into force on the 1st day of January, 1957.

Idem

**41.** This Act may be cited as *The Municipal Amendment Act, 1958*.

Short title



## CHAPTER 65

## An Act to amend The Municipal Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 49 of *The Municipal Act* R.S.O. 1950, is amended by striking out “annual” in the second line. c. 243, s. 49, subs. 5, amended

(2) Subsection 6 of the said section 49 is amended by striking out “annual” in the tenth line. R.S.O. 1950, c. 243, s. 49, subs. 6, amended

2.—(1) Subsection 6 of section 53 of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act, 1951*, is amended by striking out “elections” in the second line and inserting in lieu thereof “or biennial elections, as the case may be”. R.S.O. 1950, c. 243, s. 53, subs. 6 (1951, c. 53, s. 2), amended

(2) Subsection 8 of the said section 53, as enacted by section 2 of *The Municipal Amendment Act, 1951*, is amended by striking out “annual” in the second line. R.S.O. 1950, c. 243, s. 53, subs. 8 (1951, c. 53, s. 2), amended

3. Subsection 2 of section 54 of *The Municipal Act*, as re-enacted by section 4 of *The Municipal Amendment Act, 1958*, is repealed and the following substituted therefor: R.S.O. 1950, c. 243, s. 54, subs. 2 (1958, c. 64, s. 4), re-enacted

(2) The number of municipal electors shall be determined by the last revised voters' list but, in counting the names, the name of the same person shall not be counted more than once and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as tenant under clause *d* of subsection 1 of section 58 or who is entered on the list as a farmer's daughter or farmer's sister or farmer's son's wife shall not be counted, but the name of a person who is a municipal elector by reason of being the wife or husband of a person so rated or entitled to be rated for land as owner under clause *d* of subsection 1 of section 58 shall be counted. Number of electors, how determined



R.S.O. 1950,  
c. 243, s. 386,  
par. 48  
(1953, c. 70,  
s. 10,  
subs. 4),  
re-enacted

4. Paragraph 48 of section 386 of *The Municipal Act*, as re-enacted by subsection 4 of section 10 of *The Municipal Amendment Act, 1953* and as amended by subsections 3, 4 and 5 of section 20 of *The Municipal Amendment Act, 1954* and subsection 3 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed and the following substituted therefor:

#### Pensions

48. Subject to such limitations and restrictions as the Lieutenant-Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof.

#### Interpre- tation

(a) In this paragraph,

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person or class of person designated as an employee by the Minister,

(ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

#### Approval by Department

(b) No by-law passed under this paragraph shall become operative until approved by the Department nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

#### Payments to be deemed current expendi- tures

(c) Payments made with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years and payments with respect to past service and future service shall be deemed to be current expenditures.

(d)

- (d) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable the amount which such employee is required to pay in accordance with the provisions of the plan which provides a pension for such employee. Payments to be deducted from salary, etc.
- (e) Where any employee of a local board is a member of a pension plan provided by a municipality, the local board shall pay to the treasurer of the municipality the payments and deductions made for past and future service of such employee. Payments by local board to municipality
- (f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph. Municipalities may agree to provide pensions
- (g) Any local board may provide pensions for employees or any class thereof and the provisions of this paragraph shall apply *mutatis mutandis* thereto. Local boards may provide pensions
- (h) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer of pension money
- (i) the civil service of Ontario or Canada,
  - (ii) the civic service of any other municipality or local board, or
  - (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

and a pension plan has been provided for him other than a contract with Her Majesty in accordance with the *Government Annuities Act* (Canada), the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in R.S.C. 1952, c. 132

its pension plan heretofore or hereafter established under this or any other general or special Act, including payments and deductions for past or future service or both together with interest thereon, to any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

Idem

(i) Where a member of,

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee of the municipality or local board and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, the council shall by by-law authorize the transfer into and shall transfer into the pension plan heretofore or hereafter established under this or any other general or special Act and applicable to the employee such sum in the like manner as a payment for past service.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 70,  
repealed

5. Paragraph 70 of subsection 1 of section 388 of *The Municipal Act*, as amended by subsection 4 of section 16 of *The Municipal Amendment Act, 1951*, is repealed.

R.S.O. 1950,  
c. 243, s. 399,  
repealed

6. Section 399 of *The Municipal Act*, as amended by section 17 of *The Municipal Amendment Act, 1952* and section 23 of *The Municipal Amendment Act, 1954*, is repealed.

R.S.O. 1950,  
c. 243,  
s. 399a  
(1957, c. 76,  
s. 26),  
repealed

7. Section 399a of *The Municipal Act*, as enacted by section 26 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed.

**8.** Every by-law that was passed under the authority of any provision mentioned in section 5 or 6 and that is in force when such sections come into force shall continue in force until revoked or superseded by a by-law passed under the authority of *The Air Pollution Control Act, 1958*. <sup>By-laws continued in force</sup> 1958, c. 2

**9.**—(1) This Act, except sections 3, 5, 6 and 7, comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

(2) Sections 3, 5, 6 and 7 come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Idem</sup>

**10.** This Act may be cited as *The Municipal Amendment Act, 1958 (No. 2)*. <sup>Short title</sup>





## CHAPTER 66

# An Act to provide for the Extension of the Municipal Franchise

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subject to section 2, the council of a local municipality may pass a by-law providing for a resident voters' list.

(2) Every person shall be entitled to be entered on the resident voters' list who,

- (a) is of the full age of twenty-one years;
- (b) is a British subject by birth or naturalization;
- (c) has resided in the municipality for the last twelve months next preceding the date of the commencement of the enumeration under this Act;
- (d) is not entitled to be entered on the voters' list prepared under *The Voters' Lists Act, 1951*; and 1951, c. 93
- (e) is not disqualified under any Act or otherwise prohibited by law from voting.

**2.** A by-law shall not be passed under section 1 until the following question has received the assent of the municipal electors at a regular municipal election:

Are you in favour of extending the right to vote at municipal elections for members of council to all persons of the full age of twenty-one years who are British subjects and who have resided in the municipality for at least one year in accordance with *The Municipal Franchise Extension Act, 1958*?

**3.**—(1) The names of the persons entitled to be entered on the resident voters' list shall be obtained by enumeration

and

and the council shall appoint, or may authorize the returning officer to appoint, sufficient enumerators for such purpose for the municipality and for each polling subdivision where the municipality is divided into polling subdivisions and shall fix their remuneration.

Oath of  
enumerator

(2) Every enumerator before entering on his duties shall take the following oath:

I, the undersigned (*insert name of enumerator*) appointed for (name of municipality and Polling Subdivision No. ....) do solemnly swear (*or affirm*) that I will act faithfully in my capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....  
Enumerator

Time for  
enumeration

(3) The enumeration shall commence for each ward or for the municipality not more than seventy and not less than sixty days before the date fixed for the polling at the municipal election.

Duties of  
enumerator

(4) The enumerator shall call at least once at every place of residence in the municipality or polling subdivision for which he has been appointed and shall secure the names and addresses of all persons who are entitled to be entered on the resident voters' list.

List of  
voters  
delivered  
to clerk

(5) The enumerator shall take all necessary precautions to ensure that his list, when complete, contains all the names and addresses of persons entitled to be entered on the resident voters' list that he has been able to obtain by enumeration and does not contain the name of any person not so entitled and he shall deliver such list to the clerk of the municipality not later than ten days after the date for the commencement of the enumeration.

Enumera-  
tion forms

(6) Where the enumerator is unable to obtain the required information at any place of residence, he shall leave such numbers of Form 1 as he deems necessary at such place of residence.

Application  
to be listed  
where  
enumerator  
cannot  
obtain  
information

(7) Where the name and address of any person entitled to be entered on the resident voters' list cannot be obtained by the enumerator, such person may complete Form 1 and file it with the clerk not later than fourteen days after the date fixed for the commencement of the enumeration.

List to be  
prepared  
by clerk

4. The clerk of the municipality shall prepare the resident voters' list from the enumerator's list and the Forms filed

with

with him under subsection 7 of section 3 by listing the names and addresses appearing thereon, except those that also appear on the voters' list prepared under *The Voters' Lists Act, 1951*, in the same order as in such voters' list and, where the municipality is divided into polling subdivisions, shall prepare a separate list for each subdivision.

**5.** Sections 9 to 23 of *The Voters' Lists Act, 1951* apply *mutatis mutandis* to the resident voters' list.

Application  
of 1951,  
c. 93,  
ss. 9-23

**6.** The certified resident voters' list shall be final and conclusive evidence that every person named thereon is entitled to vote at municipal elections for members of council, except,

Effect of  
certified  
list

- (a) persons not resident in the municipality on the day of polling; and
- (b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

**7.** Persons entered on the resident voters' list shall not be counted as municipal electors for the purpose of section 54 of *The Municipal Act*.

Persons  
on list  
not counted  
under  
R.S.O. 1950,  
c. 243, s. 54

**8.** When a person entered on the resident voters' list is required to take an oath under section 114 of *The Municipal Act*, the oath shall be in Form 2.

Oath to  
be ad-  
ministered  
to voter

**9.** Every person who knowingly makes an untrue statement in any form under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100.

Offence,  
untrue  
statement  
in form

**10.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**11.** This Act may be cited as *The Municipal Franchise Extension Act, 1958*.

Short title

FORM 1

Section 3 (5, 7)

THE MUNICIPAL FRANCHISE EXTENSION ACT, 1958

Municipality.....

Polling Subdivision No. ....

I, the undersigned, hereby request that my name be entered in the resident voters' list and certify that the information given herein is correct.

Full name.....

Present address.....

Are you a British subject? .....

Are you 21 years of age or over?.....

Have you resided in ..... (name of municipality)  
for the last twelve months next preceding .....  
..... (insert date of commencement of enumeration) .....

.....  
Date Signature

NOTE: If you wish your name entered on the resident voters' list, this form must be filed with the municipal clerk not later than (insert date 14 days after date fixed for commencement of enumeration).

FORM 2

Section 8

OATH TO BE ADMINISTERED TO A VOTER

You swear (or solemnly affirm):

1. That you are the person named or intended to be named by the name of ..... in the resident voters' list now shown to you.
2. That you are a British subject by birth or naturalization of the full age of 21 years.
3. That you have resided in ..... (name of municipality) ..... for the last twelve months next preceding the date of the commencement of the enumeration for this election and that you reside in such municipality on the day of polling.
4. That you have not voted before at this election at this or any other polling place.
5. That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.
6. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.
7. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

## CHAPTER 67

\*  
**An Act to amend  
 The Municipal Unconditional Grants Act, 1953**

*Assented to March 27th, 1958  
 Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Municipal Unconditional Grants Act, 1953* is 1953, c. 72, amended by adding thereto the following section:

**6a.** There shall be paid in each year out of the moneys appropriated therefor by the Legislature to each county in which an Indian reserve is located by way of unconditional grant to assist each such county in the administration of justice in the county a per capita payment of \$1 in accordance with the population of the Indian reserve according to the latest census from time to time published by the Dominion Bureau of Statistics.

Per capita  
payments  
to counties  
re Indian  
reserves

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Commence-  
ment

**3.** This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1958*.

Short title





## CHAPTER 68

**An Act to amend The Municipality of Metropolitan Toronto Act, 1953**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 9 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: <sup>1953, c. 73, s. 9, amended</sup>

(2a) If the Metropolitan Council fails to elect a chairman <sup>idem</sup> within twenty days as required by subsection 1, the Lieutenant-Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(2) Subsection 4 of the said section 9 is amended by adding <sup>1953, c. 73, s. 9, subs. 4, amended</sup> at the end thereof “or may resign from such council without resigning his office as chairman”, so that the subsection shall read as follows:

(4) Where the chairman is a member of the council of an area municipality, he may resign his office as chairman without resigning from such council or may resign from such council without resigning his office as chairman. <sup>Resignation of chairman</sup>

**2.** *The Municipality of Metropolitan Toronto Act, 1953* is <sup>1953, c. 73, amended</sup> amended by adding thereto the following section:

**10a.**—(1) The Metropolitan Council may by by-law provide for the appointment of an Executive Committee to be composed of the chairman and four or six other members of the Metropolitan Council, one-half of whom shall be members of the council of the City of Toronto and one-half of whom shall be members of the councils of the area municipalities other than the City of Toronto, and the chairman of the Metropolitan Council shall be chairman of the Executive Committee and entitled to vote as a member thereof. <sup>Executive Committee</sup>

## Powers

- (2) The Metropolitan Council may by by-law authorize the Executive Committee to exercise with respect to the Metropolitan Corporation any or all of the powers of a board of control under subsection 1 of section 226 of *The Municipal Act* and in such case subsections 2 to 15 and 17 to 19 of that section shall apply *mutatis mutandis*.

R.S.O. 1950,  
c. 243

## Remuneration

- (3) Each member of the Executive Committee shall in addition to his remuneration as a member of the Metropolitan Council receive such remuneration not exceeding \$2,000 per year as may be authorized by the Metropolitan Council.

Repeal of  
by-law

- (4) No by-law passed under subsection 1 or 2 shall be amended or repealed except by a two-thirds vote of all the members of the Metropolitan Council, other than the chairman, and such amendment or repeal shall not become effective until the 31st day of December in the year in which it is passed.

1953, c. 73,  
s. 14,  
re-enacted

**3.** Section 14 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Acting  
chairman

14. When the chairman is absent from the Metropolitan Area or absent through illness, or refuses to act, the Metropolitan Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

1953, c. 73,  
s. 22,  
amended

**4.** Section 22 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1955* and section 2 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by adding thereto the following subsection:

Accrued  
benefits  
under  
former plan

- (4a) Upon such election or upon such an agreement being entered into and such an employee becoming a member of the pension plan established by the Metropolitan Corporation, he or his beneficiaries shall be entitled on termination of his services with the Metropolitan Corporation or a local board thereof to all benefits under the pension plan of the area municipality, or of a local board thereof, or of the County of York or of the Toronto and York Roads Commission accrued up to the date of his becoming a member of the Metropolitan Corporation pension plan, and his employment by and service

with

with the Metropolitan Corporation or a local board thereof shall be deemed to be employment by and service with the respective area municipality, or local board thereof, or the County of York or the Toronto and York Roads Commission for the purpose of determining eligibility for any such accrued benefits.

**5.** Subsection 6 of section 76 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor: 1953, c. 73, s. 76, subs. 6, re-enacted

- (5a) Where a road or a part thereof is added to the metropolitan road system, the soil and freehold of such road or part shall thereupon be vested in the Metropolitan Corporation. Metropolitan roads vested in Metropolitan Corporation
- (6) Where a road or a part thereof is removed from the metropolitan road system, except by reason of it being stopped-up pursuant to section 86, such road or part shall thereupon be transferred to and the soil and freehold thereof shall thereupon be vested in the corporation of the local municipality in which it is situate. Roads removed from system

**6.** Section 86 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "For the purposes of" in the first line and inserting in lieu thereof "With respect to", so that the section shall read as follows: 1953, c. 73, s. 86, amended

86. With respect to the metropolitan roads, the Metropolitan Corporation shall have all the powers conferred, and be subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act, The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Metropolitan Corporation R.S.O. 1950, cc. 243, 167

**7.—(1)** Clauses *b* and *c* of subsection 1 of section 125 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, are repealed and the following substituted therefor: 1953, c. 73, s. 125, subs. 1, cls. b, c, re-enacted

- (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the current year enrolled in an academic secondary course in schools under the jurisdiction of that board;
- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the current year enrolled in a commercial secondary course in schools under the jurisdiction of that board; and

(d)

- (d) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the current year enrolled in a technical secondary course in schools under the jurisdiction of that board.

1953, c. 73,  
s. 125,  
subs. 2,  
repealed

- (2) Subsection 2 of the said section 125 is repealed.

1953, c. 73,  
s. 125,  
subss. 3, 4,  
re-enacted;  
subs. 5,  
repealed

- (3) Subsections 3, 4 and 5 of the said section 125 are repealed and the following substituted therefor:

thereafter

- (3) The amounts per pupil which shall be payable by the School Board in each year shall be determined by the School Board in each such year prior to the adoption of its estimates and separate amounts shall be determined in respect of the pupils of the various classes referred to in clauses *a*, *b*, *c* and *d* of subsection 1 and such separate amounts per pupil shall be uniform for each board of education within the Metropolitan Area.

Notice

- (4) The School Board shall annually, forthwith after the determination of the amounts referred to in subsection 3, notify each board of education within the Metropolitan Area of the amount of the maintenance assistance payment payable for such year in respect of each pupil within the classes referred to in clauses *a*, *b*, *c* and *d* of subsection 1.

1953, c. 73,  
s. 126,  
amended

- 8.** Section 126 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Admission  
of non-  
resident  
pupils

- (3) A board of education shall not admit to a secondary school operated by it any pupil who is not a resident pupil without prior approval of the School Board.

1953, c. 73,  
s. 128,  
re-enacted

- 9.** Section 128 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Legislative  
grants

- 128.—(1) The special and general legislative grants payable to school boards shall be calculated as provided in the regulations.

General  
legislative  
grants  
payable to  
board of  
education

- (2) The general legislative grants in respect of night schools, text-books and reference books, and milk for consumption by pupils, together with any special legislative grants to which a board of education may be entitled, shall be paid to the board of education which made the expenditure for these goods and services.



- (3) The general legislative grants, except those referred to in subsection 2, shall be paid to the School Board. General legislative grants payable to School Board

**10.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

- 131a.** A board of education with the approval of the School Board may transfer property that was acquired for public school purposes to secondary school purposes or vice versa and, where property is so transferred, the transfer shall be made effective on the 1st day of January in any year and the principal and interest on any debentures issued with respect to such property to be raised in that year and subsequent years by levy shall be raised by levy on the whole rateable property rateable for the purposes to which such property is transferred. Transfer of public school property to secondary school purposes and vice versa

**11.** Section 132 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 19 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by adding thereto the following subsection: 1953, c. 73, s. 132, amended

- (6) A board of education in the Metropolitan Area may rehabilitate or renovate any school buildings under its jurisdiction and the same shall be deemed permanent improvements for the purposes of this Act. Rehabilitation of school buildings

**12.** Clauses *a* and *b* of subsection 5 of section 133 of *The Municipality of Metropolitan Toronto Act, 1953* are repealed and the following substituted therefor: 1953, c. 73, s. 133, subs. 5, cls. a, b, re-enacted

- (a) that the amount of the debt to be created for the portion of the proposed expenditure approved by the Minister for legislative grant purposes, if any, shall be repaid by levies against all the area municipalities;
- (b) that in addition to such amount, if any, there shall be repaid by levies against all the area municipalities such amount of the debt to be created as may be determined by the School Board from time to time in accordance with a formula prepared by the School Board and approved by the Metropolitan Council for uniform application in the Metropolitan Area; and
- (c) that the balance of such debt, if any, shall be repaid by levies only against the area municipality or area municipalities in which the applicant board of education has jurisdiction.

1953, c. 73,  
amended

**13.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Grants to  
public  
library  
boards

134*b*. The Metropolitan Council may make grants in aid of capital or current expenditures to any public library board in an area municipality which in the opinion of the Metropolitan Council provides library services to residents of any other area municipality.

1953, c. 73,  
s. 141*b*  
(1956, c. 53  
s. 13),  
re-enacted

**14.** Section 141*b* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 13 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is repealed and the following substituted therefor:

Metropolitan  
Corporation  
liability  
under R.S.O.  
1950, c. 229

141*b*. The Metropolitan Corporation shall be liable for all costs and expenses under section 57 of *The Mental Hospitals Act* and subsections 2 and 3 thereof shall apply *mutatis mutandis* to the Metropolitan Corporation and no area municipality shall be liable for such costs and expenses.

1953, c. 73,  
s. 160,  
amended

**15.** Section 160 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "and the sheriff of the county" in the third line, so that the section shall read as follows:

Use of  
court house  
and jail  
by county

160. The court house and the jail provided by the Metropolitan Corporation shall be the court house and jail of the County of York, and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the county.

1953, c. 73,  
amended

**16.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Responsi-  
bility for  
conveying  
prisoners

162*a*. Where the attendance of a prisoner confined in the jail is required at a hearing or proceeding, the Metropolitan Corporation shall be responsible for conveying the prisoner from the jail to the place of the hearing or proceeding and for his return, and the expense thereof shall be borne and paid in the same manner and in the same proportion as a charge or expense relating to the administration of justice under section 163.

1953, c. 73,  
amended

**17.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

"Green-  
acres" home  
for the aged

173*b*. The Corporation of the County of York shall not be liable and the Metropolitan Corporation shall be liable for the fees and allowances required to be paid

by the county under section 38 of *The Coroners Act* <sup>R.S.O. 1950, c. 70</sup> with respect to deceased persons who were resident in the home for the aged established by the Metropolitan Corporation and known as Greenacres.

**18.** Clause *a* of subsection 3 of section 175*j* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by inserting after "7" in the ninth line "and any additional payments agreed to be made by the City of Toronto", so that the clause shall read as follows: <sup>1953, c. 73, s. 175*j* (1956, c. 53, s. 18), subs. 3, cl. *a*, amended</sup>

- (*a*) with respect to the services performed before the 1st day of January, 1957, of members of the Toronto Police Benefit Fund shall be not less favourable than the benefits provided in the said By-law No. 13273, provided such benefits shall be limited to those purchasable with the assets transferred from the Toronto Police Benefit Fund and the payments to be made by the City of Toronto as provided in subsection 7 and any additional payments agreed to be made by the City of Toronto to the pension plan established under this section; and

. . . . .

**19.** Subsection 2 of section 189 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 44 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is repealed and the following substituted therefor: <sup>1953, c. 73, s. 189, subs. 2, re-enacted</sup>

- (2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act, 1953*. <sup>Allowance to be made in estimates</sup> 1953, c. 72

**20.** Section 193 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: <sup>1953, c. 73, s. 193, amended</sup>

- (1*a*) Notwithstanding any other provision of this Part, the Metropolitan Corporation may expend moneys for the purposes of an extension to the rapid transit system of the Toronto Transit Commission and may issue debentures therefor for any term or terms not exceeding forty years and may, with the approval of the Municipal Board, provide for the refinancing <sup>Authority to expend moneys for rapid transit extension</sup>

of not more than one-half of the amount of any such issue at the end of the term thereof, provided that the total period for repayment of the debt created shall not exceed forty years.

1953, c. 73,  
s. 197,  
subs. 1, cl.  
re-enacted

**21.** Clause *e* of subsection 1 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

1957, c. 88

(*e*) the approval of the Ontario Water Resources Commission as required by section 30 or 31 of *The Ontario Water Resources Commission Act, 1957* if the by-law is for raising money for any of the purposes mentioned in section 30 or 31 of that Act.

1953, c. 73,  
s. 203,  
re-enacted

**22.** Section 203 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Debentures,  
how sealed  
and executed

203.—(1) A debenture or other like instrument shall be sealed with the seal of the Metropolitan Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Metropolitan Corporation to sign it, and by the treasurer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons which shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons shall be sufficiently signed if they bear the signature of the treasurer on the date the Metropolitan Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduction  
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Metropolitan Corporation to counter-sign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.



- (4) The seal of the Metropolitan Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced shall have the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and shall be binding upon the Metropolitan Corporation.
- (5) Any debenture or other like instrument shall be sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Metropolitan Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

23. Section 205 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

1953, c. 73,  
s. 205,  
re-enacted

205.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), be transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the . . . . .  
of . . . . .

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.



Require-  
ments as to  
endorsing  
certificate of  
ownership

- (2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by  
entry in  
Debenture  
Registry  
Book

- (3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, shall be transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

1953, c. 73,  
s. 207,  
re-enacted

**24.** Section 207 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application  
of proceeds  
of debentures

- 207.—(1) The moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purpose or purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

- (2) None of the moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Metropolitan Corporation, an area municipality or a board of education in the Metropolitan Area.

Surplus

- (3) Where on the sale of any debentures an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,
- (a) if any such debentures are redeemable prior to maturity at the option of the Metropolitan Corporation, to redeem one or more of the debentures having the latest maturity date; or

- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

- (4) Where on the sale of any debentures a deficiency in Deficiency the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**25.** *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

- 214e. Where in an action or by the settlement of a claim Payment of surplus damages arising out of an accident to an employee the Metropolitan Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount may be paid to such employee or, in the event of his death, to one or more of his dependants.

**26.** Notwithstanding section 10 of *An Act respecting the City of Toronto*, being chapter 86 of the Statutes of Ontario, 1903, The Corporation of the City of Toronto may convey to the Metropolitan Corporation any part or parts of the lands described in that section as the Garrison Commons for the establishment, laying out and construction of a public highway and related works provided that no part of such highway or related works shall encroach upon the Military Cemetery or Old Fort York as presently established between Strachan Avenue and Bathurst Street. Authority of City to convey part of Garrison Commons to Metropolitan Corporation for highway purposes

Commence-  
ment

**27.**—(1) This Act, except sections 2, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 19 and 25, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4, 5 and 6 shall be deemed to have come into force on the 2nd day of April, 1953.

Idem

(3) Section 10 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(4) Sections 14 and 25 shall be deemed to have come into force on the 1st day of January, 1957.

Idem

(5) Sections 2, 7, 9, 11, 12, 17 and 19 shall be deemed to have come into force on the 1st day of January, 1958.

Idem

(6) Section 16 comes into force on the 1st day of July, 1958.

Short title

**28.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1958*.

## CHAPTER 69

## An Act to amend The Old Age Assistance Act, 1951

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor:

1951 (2nd  
Sess.),  
c. 2, s. 1,  
cl. *b*,  
re-enacted

(*b*) “Director” means Director of the Welfare Allowances Branch of the Department of Public Welfare.

(2) Clause *d* of the said section 1, as re-enacted by sub-section 2 of section 1 of *The Old Age Assistance Amendment Act, 1957*, is amended by striking out “district welfare administrator or district welfare supervisor” in the first and second lines and inserting in lieu thereof “regional welfare administrator”, so that the clause shall read as follows:

1951 (2nd  
Sess.), c. 2,  
s. 1, cl. *d*  
(1957, c. 83,  
s. 1, subs. 2),  
amended

(*d*) “local authority” means a field worker, regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare the Minister designates under this Act.

**2.** Subsection 1 of section 2 of *The Old Age Assistance Act, 1951*, as re-enacted by section 2 of *The Old Age Assistance Amendment Act, 1957*, is amended by inserting after “it” in the sixth line “and with any additional conditions of eligibility prescribed in the regulations made under this Act”, so that the subsection shall read as follows:

1951 (2nd  
Sess.), c. 2,  
s. 2 (1957,  
c. 83, s. 2),  
subs. 1,  
amended

(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Old Age Assistance Act* (Canada) and the regulations made under it and with any additional conditions of eligibility prescribed in the regulations made under

this

this Act of any portion of amounts of assistance paid by Ontario pursuant to this Act and the regulations.

1951 (2nd  
Sess.),  
c. 2, s. 3,  
subss. 1, 4,  
repealed

**3.** Subsections 1 and 4 of section 3 of *The Old Age Assistance Act, 1951* are repealed.

1951 (2nd  
Sess.),  
c. 2, s. 12,  
amended

**4.** Section 12 of *The Old Age Assistance Act, 1951*, as amended by section 4 of *The Old Age Assistance Amendment Act, 1957*, is further amended by adding thereto the following clause:

(aa) prescribing conditions of eligibility for assistance that may be included in an agreement made under section 2.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Old Age Assistance Amendment Act, 1958*.



## CHAPTER 70

# An Act to establish The Ontario Anti-Discrimination Commission

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Commission" means The Ontario Anti-Discrimination Commission;

(b) "Minister" means Minister of Labour.

**2.—(1)** A commission to be known as "The Ontario Anti-Discrimination Commission" is hereby constituted. Commission  
constituted

(2) The Commission shall be composed of three or more members who shall be appointed by the Lieutenant-Governor in Council. Composition

(3) The Lieutenant-Governor in Council may designate one of the members as chairman. Chairman

(4) The Lieutenant-Governor in Council may fill any vacancy in the membership of the Commission. Vacancies

(5) The Lieutenant-Governor in Council may fix the remuneration of the members of the Commission. Remunera-  
tion

**3.** It is the function of the Commission,

Function

(a) to advise the Minister in the administration of *The Fair Employment Practices Act, 1951*, *The Female Employees Fair Remuneration Act, 1951* and *The Fair Accommodation Practices Act, 1954*; 1951, c. 24  
1951, c. 26  
1954, c. 28

(b) to make recommendations to the Minister designed to improve the administration of the Acts mentioned in clause a; and

(c)

- (c) to develop and conduct an educational programme designed to give the public knowledge of the Acts mentioned in clause *a* and to promote the elimination of discriminatory practices.

## Staff

**4.** The Lieutenant-Governor in Council may appoint a secretary and such other officers, clerks and servants of the Commission as may be deemed appropriate.

## Cost

**5.** The cost of the administration of this Act is, until the 31st day of March, 1959, payable out of the Consolidated Revenue Fund and thereafter is payable out of the moneys appropriated therefor by the Legislature.

## Regulations

**6.** The Lieutenant-Governor in Council may make regulations,

- (a) fixing the number of members of the Commission at a number greater than three;
- (b) adding to or extending the functions of the Commission;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## Short title

**7.** This Act may be cited as *The Ontario Anti-Discrimination Commission Act, 1958*.

## CHAPTER 71

**An Act to amend  
The Ontario Fuel Board Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Ontario Fuel Board Act, 1954*, as re-<sup>1954, c. 63,</sup> enacted by section 1 of *The Ontario Fuel Board Amendment*<sup>s. 1 (1957,</sup> *Act, 1957*, is amended by adding thereto the following clause:<sup>c. 84, s. 1),</sup> amended

(oo) "Minister" means Minister of Mines or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

**2.** Section 26 of *The Ontario Fuel Board Act, 1954* is re-<sup>1954, c. 63,</sup> pealed and the following substituted therefor:<sup>s. 26,</sup> re-enacted

26.—(1) The Board, after a public hearing, may by order upon such terms and conditions as it may prescribe,<sup>Authority to store in storage area</sup>

(a) authorize a person to inject natural gas into, store natural gas in and remove natural gas from a designated natural gas storage area; and

(b) authorize such person to enter into and upon the land in such area and use such land for the purposes mentioned in clause a.

(2) Subject to the provisions of any agreement with respect thereto, the person authorized by an order<sup>Compensation payable</sup> under subsection 1,

(a) shall make to the owner of any petroleum and natural gas rights, or of any right to store natural gas in the area, due compensation in respect of such petroleum and natural gas rights or such right to store natural gas; and

(b)

(b) shall make to the owner of any land in the area due compensation for any damages necessarily resulting from the exercise of the authority given by such order.

Manner of  
determining  
compensation

R.S.O. 1950,  
c. 20

(3) No action or other proceeding lies in respect of such compensation and failing agreement the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

Appointment  
of board of  
arbitration

(4) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(5) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Practice  
and  
procedure

(6) The practice and procedure of the Ontario Municipal Board shall apply to any arbitration under this section.

Decision

(7) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

Appeal to  
Ontario  
Municipal  
Board

(8) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration.

Notice of  
appeal

(9) Notice of an appeal under this section shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award.

Nature of  
appeal  
R.S.O. 1950,  
c. 262

(10) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto.

Further  
appeal

(11) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply.

1954, c. 63,  
s. 31  
(1956, c. 57,  
s. 6),  
amended

**3.** Section 31 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 6 of *The Ontario Fuel Board Amendment Act, 1956* and amended by section 4 of *The Ontario Fuel Board Amendment Act, 1957*, is further amended by adding thereto the following subsections:

- (5) No person shall use natural gas for space heating in any premises used for industrial purposes unless he is the holder of a permit for such purpose. Space heating in industrial premises

- (6) No person shall bore, drill, dig or sink a well unless he is the holder of a permit for such purpose. Boring wells

4. Subsection 2 of section 31a of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 5 of *The Ontario Fuel Board Amendment Act, 1957*, is repealed and the following substituted therefor: 1954, c. 63, s. 31a (1957, c. 84, s. 5), subs. 2, re-enacted

- (2) No person shall sell or install any gas appliance that does not bear, Idem

(a) the seal of approval of an organization designated in the regulations; or

(b) a label issued by the Board.

5.—(1) Clauses *f, o, r* and *s* of subsection 1 of section 35 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 7 of *The Ontario Fuel Board Amendment Act, 1957*, are repealed and the following substituted therefor: 1954, c. 63, s. 35 (1957, c. 84, s. 7), subs. 1, cls. *f, o, r, s*, re-enacted

- (f) subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating and controlling the installation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas having individual capacities of 2,000 imperial gallons or less; 1951, c. 7 R.S.O. 1950, c. 156

. . . . .

- (o) providing for the issue of licences, permits and labels under this Act;

. . . . .

- (r) prescribing the terms and conditions upon which any licence, permit or label may be issued or any registration made;

- (s) prescribing the fee payable for any licence, permit, label or registration, or any renewal thereof.

(2) Subsection 2 of the said section 35 is amended by striking out "or *c*" in the first line and inserting in lieu thereof "*c* or *f*", so that the subsection shall read as follows: 1954, c. 63, s. 35 (1957, c. 84, s. 7), subs. 2, amended



Adoption  
of codes

- (2) Any regulation made under clause *a*, *b*, *c* or *f* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, any code or standards adopted, sponsored or made by the Canadian Gas Association, the Canadian Standards Association, the American Gas Association, the National Fire Protection Association, or the Dominion Board of Insurance Underwriters and may require compliance with any such code that is so adopted.

Gas storage  
orders

1954. c. 63

**6.** Every order of the Ontario Fuel Board heretofore made that purports to grant to a person the powers mentioned in clause *a* of subsection 1 of section 26 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 2 of this Act, shall be deemed to have been made under clause *a* of that subsection and to include the powers mentioned in clause *b* of that subsection.

Commence-  
ment

**7.—(1)** This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**8.** This Act may be cited as *The Ontario Fuel Board Amendment Act, 1958*.

## CHAPTER 72

### An Act to amend The Ontario Highway Transport Board Act, 1955

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ontario Highway Transport Board Act, 1955* is 1955, c. 54, amended by adding thereto the following section:

8a. The Board may require any person engaged in the transportation of goods or passengers to produce and file with the Board at any time or periodically such documents and information as it deems necessary.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1958*.



## CHAPTER 73

**An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum <sup>Loans up to \$250,000,000 authorized</sup> or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act*, 1954, c. 30 1954 for the purpose of such payment, shall not exceed in the aggregate \$250,000,000.

(2) The sum or sums of money authorized to be raised by *Idem* subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

**2.** Any such sum or sums may be raised in any manner *Idem* provided by *The Financial Administration Act*, 1954 and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-  
ment      **3.** This Act comes into force on the day it receives Royal Assent.

Short title      **4.** This Act may be cited as *The Ontario Loan Act, 1958*.



## CHAPTER 74

**An Act to amend  
The Ontario Municipal Board Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 26 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 262, s. 26,  
amended

- (2) The Lieutenant-Governor in Council, on the re-commendation of the chairman of the Board, may from time to time appoint as an acting member of the Board a person who, in the opinion of the chairman, is specially qualified to assist the Board with respect to any particular application to be assigned by the chairman to act with any two members of the Board for the purpose of hearing and determining such application and the person so appointed shall have all the powers of a member of the Board for such purpose and shall be entitled to such remuneration as the Lieutenant-Governor in Council may authorize. Acting  
member

**2.** *The Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 262,  
amended

- 48a. The Board shall upon the request of the Lieutenant-Governor in Council inquire into and report on the establishment, organization, reorganization and methods of operation of any two or more municipalities in any designated area and any question, matter or thing relating thereto. Inquiry on  
municipal  
organization

**3.** Subsection 1 of section 61 of *The Ontario Municipal Board Act* is amended by inserting after "any" in the seventh line "omission", so that the subsection shall read as follows: R.S.O. 1950,  
c. 262, s. 61,  
subs. 1,  
amended

- (1) In any case where either prior or subsequent to the issue and sale of any debentures issued or to be issued by a municipality, application is made to the Board Validation  
of by-laws  
and  
debentures

for

for its approval of any by-law authorizing the issue of such debentures, and of the debentures, the Board may approve the by-law and certify the validity of the debentures, notwithstanding any omission, illegality, invalidity or irregularity in the by-law or debentures or in any of the proceedings relating or incidental thereto occurring, had or taken prior or subsequent to the final passing of the by-law or issue of the debentures.

R.S.O. 1950,  
c. 262, s. 67,  
amended

**4.** Section 67 of *The Ontario Municipal Board Act*, as amended by section 5 of *The Ontario Municipal Board Amendment Act, 1957*, is further amended by adding thereto the following subsection:

By-law  
passed not  
to be in  
contraven-  
tion of  
subs. 1

(1b) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1958*.

CHAPTER 75

**An Act to amend The Ontario  
School Trustees' Council Act, 1953**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 3 of *The Ontario School Trustees' Council Act, 1953* is amended by adding at the commencement thereof "Except as provided in subsection 7", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Except as provided in subsection 7, the Council shall be composed of two representatives appointed to it by each of the following associations, which shall be member associations:

. . . . .

(2) The said section 3, as amended by section 1 of *The Ontario School Trustees' Council Amendment Act, 1954*, is further amended by adding thereto the following subsection:

- (7) When a representative from a member association is vice-chairman, chairman or past-chairman of the Council in any year, such association may appoint a third representative to council for that year and shall designate the two representatives who shall have the right to vote at meetings of the council when the three representatives of the association are present.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1958*.



## CHAPTER 76

**An Act to amend  
The Ontario-St. Lawrence Development  
Commission Act, 1955**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of section 1 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by inserting <sup>1955, c. 59, s. 1, cl. c, amended</sup> after "Grenville" in the second line "Frontenac, Lennox and Addington", so that the clause shall read as follows:

- (c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

**2.** Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by striking out <sup>1955, c. 59, s. 2, subs. 1, amended</sup> "nine" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

- (1) There is hereby constituted on behalf of Her Majesty <sup>Commission established</sup> in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than eleven members, of whom one shall be chairman and two shall be vice-chairmen.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1958*. <sup>Short title</sup>





## CHAPTER 77

**An Act to amend The Ontario  
Water Resources Commission Act, 1957**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Ontario Water Resources Commission Act, 1957* is amended by inserting after "municipalities" in the second line "or persons", so that the section shall read as follows:

5. All expenditures of the Commission, except such part thereof as is payable to the Commission by the municipalities or persons having project agreements with the Commission either under this Act or under such agreements, shall be paid out of its revenues or the moneys appropriated therefor by the Legislature.

**2.** Section 13 of *The Ontario Water Resources Commission Act, 1957* is amended by adding at the end thereof "or resolution", so that the section shall read as follows:

13. The powers of the Commission shall be exercised by by-law or resolution.

**3.** Section 16 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following sub-section:

- (2) Every person who contravenes or fails to comply with any order made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day or part thereof during which such contravention or failure continues.

**4.** Section 19 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following sub-section:

Interpre-  
tation  
R.S.O. 1950,  
c. 323

- (5) For the purpose of this section, "owner" has the same meaning as in *The Public Works Act*.

1957, c. 88,  
s. 26, subs. 1,  
amended

- 5.**—(1) Subsection 1 of section 26 of *The Ontario Water Resources Commission Act, 1957* is amended by striking out "general" in the first line and by striking out "for any purpose with respect to their quality, and may examine any of them from time to time to determine what, if any, pollution exists and the causes thereof" in the third, fourth and fifth lines, so that the subsection shall read as follows:

Commission  
to have  
supervision  
of waters

- (1) The Commission has the supervision of all surface waters and ground waters in Ontario used as a source of water supply.

1957, c. 88,  
s. 26,  
amended

- (2) The said section 26 is amended by adding thereto the following subsection:

Examination  
for pollution

- (1a) The Commission may examine any surface waters or ground waters in Ontario from time to time to determine what, if any, pollution exists and the causes thereof.

1957, c. 88,  
s. 27, subs. 1,  
amended

- 6.** Subsection 1 of section 27 of *The Ontario Water Resources Commission Act, 1957* is amended by inserting after "stream" where it occurs in the third and sixth lines respectively "reservoir", so that the subsection shall read as follows:

Discharge of  
polluting  
material  
prohibited

- (1) Every municipality or person that discharges or deposits any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of such well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

1957, c. 88,  
s. 29, subs. 2,  
repealed

- 7.**—(1) Subsection 2 of section 29 of *The Ontario Water Resources Commission Act, 1957* is repealed.

1957, c. 88,  
s. 29, subs. 3,  
amended

- (2) Subsection 3 of the said section 29 is amended by striking out "or to be in charge of a machine for boring or drilling wells for water" in the fourth and fifth lines, so that the subsection shall read as follows:

Issue and  
renewal of  
licences

- (3) Upon application therefor in the prescribed form and upon payment of the prescribed fee, the Commission

may

may issue or renew, as the case may be, a licence to any person to carry on the business of boring or drilling wells for water.

- (3) Subsection 6 of the said section 29 is repealed.

1957, c. 88,  
s. 29, subs. 6,  
repealed

- (4) Subsection 7 of the said section 29 is amended by striking out "person in charge of a machine for boring or drilling wells for water" in the first and second lines and inserting in lieu thereof "licensee", so that the subsection shall read as follows:

1957, c. 88,  
s. 29, subs. 7,  
amended

- (7) Every licensee shall, within one month after the completion of the boring or drilling of a well for water, make a return to the Commission in the prescribed form.

Returns

- 8.**—(1) Section 30 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following subsection:

1957, c. 88,  
s. 30,  
amended

- (1a) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person at his own expense.

Powers of  
Commission  
where water  
works under-  
taken with-  
out approval

- (2) Subsection 2 of the said section 30 is repealed and the following substituted therefor:

1957, c. 88,  
s. 30, subs. 2,  
re-enacted

- (2) Where in the opinion of the Commission it is in the public interest to do so, the Commission may refuse to grant its approval or grant its approval on such terms and conditions as it deems necessary.

Commission  
may refuse  
or qualify  
approval

- 9.**—(1) Subsection 1 of section 31 of *The Ontario Water Resources Commission Act, 1957* is amended by inserting after "undertaken" in the fifth line "and the location of the discharge of effluent", so that the subsection shall read as follows:

1957, c. 88,  
s. 31, subs. 1,  
amended

- (1) When any municipality or any person contemplates the establishment of any sewage works, or the extension of or any change in any existing sewage

Plans for  
sewage  
works to be  
submitted to  
Commission

works,

works, the plans, specifications and an engineer's report of the works to be undertaken and the location of the discharge of effluent, together with such information as the Commission may require, shall be submitted to the Commission, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the proposed works have been approved by the Commission.

1957, c. 88,  
s. 31,  
amended

(2) The said section 31 is amended by adding thereto the following subsection:

Powers of  
Commission  
where sew-  
age works  
undertaken  
without  
approval

(1a) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person at his own expense.

1957, c. 88,  
s. 31, subs. 2,  
re-enacted

(3) Subsection 2 of the said section 31 is repealed and the following substituted therefor:

Commission  
may refuse  
or qualify  
approval

(2) Where in the opinion of the Commission it is in the public interest to do so, the Commission may refuse to grant its approval or grant its approval on such terms and conditions as it deems necessary.

1957, c. 88,  
s. 32,  
amended

**10.** Section 32 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following subsection:

Hearing

(1a) Any public hearing required by this section may be held by any two members of the Commission.

1957, c. 88,  
s. 39,  
amended

**11.** Section 39 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following subsection:

Form of  
agreement

(8) Any agreement under this section may be evidenced by one or more documents.



**12.**—(1) Subsection 1 of section 40 of *The Ontario Water Resources Commission Act, 1957* is amended by inserting after <sup>1957, c. 88, s. 40, subs. 1, amended</sup> “municipality” in the fourth line “or where the project requires more than one agreement at least one of which is with a municipality”, so that the subsection, exclusive of the paragraphs, shall read as follows:

- (1) Every municipality that has entered into an agree- <sup>Payments by municipalities to Commission under agreement</sup> ment with the Commission under section 39 shall pay to the Commission the following sums or, where such agreement is with more than one municipality or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Commission of the following sums:

. . . . .

(2) Clause *a* of paragraph 1 of subsection 1 of the said <sup>1957, c. 88, s. 40, subs. 1, par. 1, cl. a, amended</sup> section 40 is amended by striking out “agreement” in the third line and inserting in lieu thereof “project”, so that the clause shall read as follows:

- (a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting the cost or estimated cost of all projects at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects including the refunding or repayment in whole or in part of any such borrowings.

**13.** Section 41 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor: <sup>1957, c. 88, s. 41, re-enacted</sup>

- 41.—(1) The council of a municipality that has entered <sup>Sewer rates and water works rates</sup> into or proposes to enter into an agreement with the Commission under section 39 may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate or water works rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission

required to be made under clause *a* of paragraph 1 and paragraph 2 of subsection 1 of section 40 and, with the like approval, such by-law may from time to time be amended or repealed.

Sewage  
service rate  
and water  
service rate

- (2) The council of a municipality that has entered into or proposes to enter into an agreement with the Commission under section 39 may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of or to which water is supplied through or by the project a sewage service rate or water service rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission required to be made under clauses *b* and *c* of paragraph 1 of subsection 1 of section 40.

R.S.O. 1950,  
c. 243,  
application  
of s. 389

- (3) Subject to this section, section 389 of *The Municipal Act* applies *mutatis mutandis* to sewer rates and sewage service rates imposed under this section.

Idem

- (4) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a sewer rate or sewage service rate, respectively, under section 389 of *The Municipal Act*, and that section shall apply *mutatis mutandis* to the imposition of such rates.

1957, c. 88,  
s. 42, subs. 5,  
re-enacted

**14.** Subsection 5 of section 42 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor:

Municipal  
levy

- (5) The amount demanded in the precept of the Commission delivered to a municipality shall, to the extent that it is not collected by the municipality by a rate imposed under section 41, be levied and collected by the municipality by general rate on all the rateable property in the municipality.

1957, c. 88,  
s. 46, subs. 1,  
cl. *i*,  
amended

**15.—**(1) Clause *i* of subsection 1 of section 46 of *The Ontario Water Resources Commission Act, 1957* is amended by striking out “and” where it occurs the second time in the seventh line and by adding at the end thereof “and defining ‘owner’ for the purpose of this clause”, so that the clause shall read as follows:

(i)

- (i) regulating and controlling the location, spacing, boring and drilling of water wells, the construction and materials used in the construction, alteration or repair of water wells, the pumps and other equipment used in connection with water wells, the use of water wells, the abandonment of water wells, the cleansing and disinfection of water wells, prescribing the records and the form of the records with respect to water wells that shall be kept by the owners thereof, and defining "owner" for the purpose of this clause.

(2) Clause *k* of subsection 1 of the said section 46 is repealed and the following substituted therefor:

1957, c. 88,  
s. 46, subs. 1,  
cl. *k*,  
re-enacted

- (*k*) regulating and controlling the use of water from any source of supply;
- (*l*) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**16.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**17.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1958*.

Short title



## CHAPTER 78

**The Pipe Lines Act, 1958**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "Board" means Ontario Fuel Board;
- (b) "corporation" means a corporation that has authority to acquire, process, transport, sell, or otherwise dispose of, or distribute gas or oil, and includes a natural person;
- (c) "gas" means natural gas, manufactured gas or propane-air gas or any mixture of any of them;
- (d) "land" includes any interest in land;
- (e) "line" or "pipe line" means a pipe line for the transmission of gas or oil, and includes any works appurtenant thereto and a branch line, but does not include gathering lines, flow lines, distribution lines and other lines within or contiguous to an oil refinery, oil storage depot or pipe line terminal;
- (f) "Minister" means the Minister of Mines or such other member of the Executive Council who is designated by the Lieutenant-Governor in Council to administer this Act;
- (g) "oil" means any liquid hydrocarbon;
- (h) "regulations" means regulations made under this Act;
- (i) "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public. 1951, c. 30, s. 1; 1954, c. 32, s. 1; 1953, c. 74, s. 1, *amended*.



Prerequisite  
to construc-  
tion of line

**2.** No corporation shall begin to construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 3. 1953, c. 74, s. 2, *amended*.

Route map

**3.—(1)** An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass.

Notice of  
application

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Planning and Development, the Department of Highways, the municipalities concerned and such persons as the Board directs.

Objections

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after giving of notice of the application and shall set forth the grounds upon which such objection is based.

Reply

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection.

Public  
hearing

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

Notice of  
hearing

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.

Power to  
grant leave

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line.

Right-of-  
way agree-  
ments

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each landowner an agreement in a form approved by the Board.

Terms and  
conditions

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper.

Right to  
enter lands

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of

the line and may make such surveys and examinations as are necessary for fixing the site of the line, and failing agreement any damages resulting therefrom shall be determined in the manner provided in section 5. 1951, c. 30, s. 2; 1953, c. 74, s. 3, *amended*.

4.—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required together with the names of all persons having an apparent interest in the land. <sup>Expropria-  
tion</sup>

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct. <sup>Procedure</sup>

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. <sup>Power to  
make order</sup>

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office, <sup>Method of  
expro-  
priation</sup>

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

(b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

(5) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation. <sup>Where  
interest  
limited</sup>

(6) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct. 1951, c. 30, s. 4, *amended*. <sup>Correction  
of errors</sup>

Compensation

5.—(1) The corporation shall make to the owner of land acquired by expropriation under this Act due compensation for the land and for any damages resulting from the exercise of such power.

Determination of amount

(2) No action or other proceeding lies in respect of such compensation and, failing agreement between the corporation and the landowner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

R.S.O. 1950, c. 120

Board of arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The practice and procedure of the Ontario Municipal Board applies to any arbitration under this section.

Decision

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

Appeal

(7) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration.

Notice of appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award.

Nature of appeal  
R.S.O. 1950, c. 262

(9) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto.

Further appeal

(10) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply. 1951, c. 30, s. 5; 1957, c. 41, s. 1, *amended*.

Crossings with leave

6.—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch.

(2) The procedure set forth in subsections 1 and 2 of section 4 apply *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation so to do upon such terms and conditions as it considers proper. 1951, c. 30, s. 7; 1953, c. 74, s. 6, *amended*. Order

7. Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 5. *New*. Right to compensation for damages during construction

8. Where a corporation requires at any time to enter upon any land to gain access to the right-of-way established under this Act for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 5. 1951, c. 30, s. 6; 1953, c. 74, s. 5, *amended*. Right of entry and compensation

9.—(1) The decision of the Board on any application to it under this Act is final and conclusive. Board's decision final

(2) Except as otherwise provided in this Act, *The Ontario Fuel Board Act, 1954* applies to proceedings taken before the Board under this Act. 1951, c. 30, s. 8, *amended*. 1954, c. 64, application to proceedings

10.—(1) The powers that may be conferred upon a corporation under this Act are not in derogation of but are in addition to the powers it may otherwise possess. 1951, c. 30, s. 9, *amended*. Nature of powers

(2) Where leave to construct a line has been granted under this Act, section 59 of *The Public Utilities Act* does not apply to such line. *New*. Where R.S.O. 1950, c. 320, s. 59 not to apply

11.—(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Act. Inspectors R.S.O. 1950, c. 317

(2) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations prescribing the duties of such inspectors. *New*. Idem



## Exemptions

**12.**—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations exempting pipe lines that do not exceed twenty-five miles in length from any or all of the provisions of this Act.

## Idem

(2) In any regulation made under this section, the Minister may impose such terms and conditions as he considers proper. 1953, c. 74, s. 10, *amended*.

## Transitional provisions

**13.** The Minister may, with the approval of the Lieutenant-Governor in Council, by order, upon such terms and conditions as he deems proper, exempt any pipe line that in his opinion is under construction when this Act comes into force from any or all of the provisions of this Act. *New*.

1951, c. 30;  
1954, c. 32;  
1957, c. 41;  
1953, c. 74,  
repealed

**14.** *The Gas Pipe Lines Act, 1951, The Gas Pipe Lines Amendment Act, 1954, The Gas Pipe Lines Amendment Act, 1957 and The Oil Pipe Lines Act, 1953* are repealed.

## Commencement

**15.** This Act comes into force on the day it receives Royal Assent.

## Short title

**16.** This Act may be cited as *The Pipe Lines Act, 1958*.



## CHAPTER 79

## An Act to amend The Police Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 2 of section 7 of *The Police Act* is amended by striking out “magistrate or Crown attorney” in the first line and inserting in lieu thereof “person”, so that the clause shall read as follows: R.S.O. 1950, c. 279, s. 7, subs. 2, cl. c, amended

(c) such person as the Lieutenant-Governor in Council may designate.

(2) Subsection 3 of the said section 7 is amended by striking out “magistrate or Crown attorney” in the sixth line and inserting in lieu thereof “or person, as the case may be”, so that the subsection shall read as follows: R.S.O. 1950, c. 279, s. 7, subs. 3, amended

(3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney-General may in writing appoint some other judge or person, as the case may be, to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant-Governor in Council sooner appoints another member. Vacancies

**2.** Clause *c* of subsection 2 of section 7a of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1953*, is amended by striking out “magistrate or Crown attorney” in the first line and inserting in lieu thereof “person”, so that the clause shall read as follows: R.S.O. 1950, c. 279, s. 7a, (1953, c. 81, s. 1), subs. 2, cl. c, amended

(c) a person designated or appointed in the manner provided in section 7.

R.S.O. 1950,  
c. 279, s. 30,  
amended

**3.** Section 30 of *The Police Act*, as amended by section 4 of *The Police Amendment Act, 1956*, is further amended by adding thereto the following subsection:

Idem

(2a) Notwithstanding subsection 2, the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it shall remain in effect for such period and thereafter shall remain in effect until replaced by a new agreement, decision or award.

R.S.O. 1950,  
c. 279, s. 46,  
subs. 1,  
amended

**4.** Subsection 1 of section 46 of *The Police Act* is amended by inserting after "of" in the third line "or the performance of duties by", so that the subsection, exclusive of the clauses, shall read as follows:

Investiga-  
tions

(1) The Attorney-General may require the Commissioner or any other person to investigate, inquire into and report to the Attorney-General upon the conduct of or the performance of duties by any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality,

. . . . .

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Police Amendment Act, 1958*.

## CHAPTER 80

## An Act to amend The Power Commission Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 45a of *The Power Commission Act*, as enacted by section 5 of *The Power Commission Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 3, re-enacted

- (3) The Commission shall also pay the amount that the current rates on business assessment on lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission would produce based on 60 per cent of the assessed values of such land or buildings as determined under this section. Annual payments to municipalities

2. Sections 81, 82 and 83 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 81, re-enacted; ss. 82, 83, repealed

81.—(1) Notwithstanding anything in this or any other Act, a township may, without petition and without the assent of the electors, pass a by-law for entering into a contract with the Commission for the lighting of streets in the township. Contracts for street lighting in townships

(2) The by-law may, Contents of by-law

- (a) define one or more street lighting areas in the township;
- (b) enlarge, reduce or alter the boundaries of any street lighting area in the township;
- (c) amalgamate any street lighting areas in the township;

(d)

(d) provide that the cost of the street lighting works in any street lighting area in the township, including debenture charges, the cost of maintenance and management of the works and the cost of power supplied for street lighting under this Act, shall be assessed and levied on the rateable property in the area, or provide that such part of the cost as to the council seems proper shall be paid by the township and that the remainder of the cost shall be assessed and levied on the rateable property in the area, or provide that the entire cost shall be paid by the township; and

(e) provide that the contract with the Commission shall apply to any street lighting area.

#### Maps

(3) Any street lighting area may be defined by the use of a map or sketch to be attached to the by-law and the information shown on the map or sketch shall form part of the by-law to the same extent as if included therein.

#### Power of township to construct works

R.S.O. 1950,  
cc. 243, 215

(4) The township may acquire or construct the works necessary for lighting the streets, and for such purpose the township shall have and may exercise all the powers conferred upon townships under *The Municipal Act* or *The Local Improvement Act*.

#### Power of Commission to construct works

(5) If the contract so provides, the Commission may, on behalf of the township, acquire, construct, extend, reconstruct, maintain, operate and administer any such street lighting works.

#### Where Part II to apply

(6) The provisions of Part II with respect to the annual payments to be made by any municipality that has entered into a contract with the Commission apply to any contract entered into under this section and extend to all street lighting works constructed under the contract, but do not apply in respect of the capital cost of works acquired or constructed by the township.

R.S.O. 1950,  
c. 281,  
ss. 94, 95,  
repealed

**3.** Sections 94 and 95 of *The Power Commission Act* are repealed.

#### Commencement

**4.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

#### Short title

**5.** This Act may be cited as *The Power Commission Amendment Act, 1958*.

## CHAPTER 81

**The Private Investigators Act, 1958**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "Commissioner" means Commissioner of Police for Ontario;
- (b) "licence" means licence under this Act and includes a temporary licence under this Act;
- (c) "private investigator" means a person who investigates and furnishes information;
- (d) "regulations" means regulations made under this Act;
- (e) "Treasurer" means Treasurer of Ontario. *New.*

**2. Nothing in this Act applies to or affects,**Where Act  
not to  
apply

- (a) barristers or solicitors in the practice of their profession and their employees;
- (b) persons engaged in the business of furnishing information to subscribers as to the financial rating of persons and the employees of persons so engaged;
- (c) any class of persons exempted under the regulations. R.S.O. 1950, c. 287, ss. 3, 11, *amended.*

**3. No person shall engage in the business of a private investigator for hire or reward without a licence so to do.** R.S.O. 1950, c. 287, ss. 1, 2, *amended.*

Licences  
to engage  
in business

**4. No person shall act as a private investigator as an employee or agent of a person who is engaged in the business of a private investigator without a licence so to do.** *New.*

Licensing of  
employee**5.**



*Prima facie*  
evidence

**5.** A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or is acting as a private investigator is *prima facie* evidence that he is so engaged or acting, as the case may be. *New.*

Application  
for licence

**6.**—(1) Every applicant for a licence to engage in the business of a private investigator shall apply for his own licence and the licences of his employees or agents, if any, who are private investigators upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form.

Type of  
bond

(2) The bond shall be,

(a) a personal bond accompanied by collateral security;

R.S.O. 1950,  
c. 162

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral  
security

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer.

Further  
information

(4) The Commissioner may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1950, c. 287, s. 4, *amended*.

Powers of  
Commis-  
sioner

**7.** The Commissioner may grant or refuse to grant a licence or any renewal thereof or suspend or revoke any licence where in his opinion such action is in the public interest. R.S.O. 1950, c. 287, s. 5, *part, amended*.

Death of  
licensee

**8.**—(1) Where a person who is licensed to engage in the business of a private investigator dies, the Commissioner may grant to his executor or administrator a temporary licence.

Employees

(2) All licensed employees of such deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. *New.*

Termination  
and renewal

**9.**—(1) Subject to subsections 2 and 3, every licence and renewal of licence terminates on the 31st day of March in each year and every person who is licensed to engage in the

business

business of a private investigator shall apply, on the prescribed form, for a renewal of his own licence and the licences of his employees and agents, if any, on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for himself and his licensed employees and agents as upon a first application.

(2) The licence of an employee or agent terminates upon his ceasing to be an employee or agent, as the case may be, in which event his licence shall be returned forthwith by his employer to the Commissioner.

Termination  
of employees'  
licences

(3) Every temporary licence terminates in accordance with the regulations. *New.*

Termination  
of temporary  
licence

**10.**—(1) The Commissioner shall cause all cash, cheques, money orders and postal notes to be deposited with the Treasurer for payment into the Consolidated Revenue Fund.

Fee  
moneys

(2) Where an application for a licence or the renewal of a licence is refused or is granted after the 30th day of September in any year, the Commissioner may recommend to the Treasurer that a refund of the fee or a part thereof be made and the Treasurer may make such refund. *New.*

Refund

**11.** Immediately upon the receipt of a licence, the licensee shall cause it to be displayed in a conspicuous place in the office of the licensee, and for this purpose duplicate licences may be issued where the licensee engages in the business of a private investigator in more than one place. R.S.O. 1950, c. 287, s. 6, *amended*.

Licence  
to be  
displayed

**12.** Where a person who is licensed to engage in the business of a private investigator changes his place of business, he shall, within the twenty-four hours immediately following the change, give written notice by registered mail of the change to the Commissioner. R.S.O. 1950, c. 287, s. 7, *amended*.

Change of  
place of  
business

**13.**—(1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Act except the prescribed identification card issued to him under this Act.

Use of  
badges, etc.,  
prohibited

(2) Every licensee shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for the inspection of any person who requests the same.

Identifica-  
tion card to  
be carried

Unauthorized use

(3) No person other than the licensee to whom it has been issued shall have in his possession any prescribed identification card. *New.*

Acting as police officer prohibited

**14.** No licensee shall at any time, whether by agreement with a municipality or board of police commissioners or otherwise, act as a member of a police force or perform the duties of a constable or other police officer. *New.*

Expression "private detective" prohibited

**15.** No person engaged in any business or employment shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective. *New.*

Information to be confidential

**16.** No person who is or has been a licensee shall divulge to anyone, except as may be legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1950, c. 287, s. 12, *amended.*

Licensees not to be collectors

**17.** No licensee shall act as a collector of accounts, or undertake, or hold himself out, or advertise as undertaking to collect accounts for any person either with or without remuneration. R.S.O. 1950, c. 287, s. 16, *amended.*

Offence and penalty

**18.** Every person who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a subsequent offence and in either case in addition thereto to imprisonment for a term of not more than one year. R.S.O. 1950, c. 287, s. 14, *amended.*

Regulations

**19.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the classes of persons who shall be exempt from this Act;
- (b) exempting any class of licensee from the bonding provisions of this Act;
- (c) prescribing forms for use under this Act;
- (d) prescribing the form of licences;
- (e) prescribing licence fees;
- (f) prescribing the term and other conditions of temporary licences;

(g)

- (g) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (h) prescribing the form and contents of identification cards for licensees and providing for the issue thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

**20.** Every licence issued under *The Private Detectives Act* Subsisting  
licences that is subsisting when this Act comes into force shall continue to subsist until the 31st day of March, 1959, or until it is replaced by a licence under this Act, whichever occurs first, and, in cases in which the Commissioner deems it fair and reasonable, he may recommend to the Treasurer that a refund of the fee for the subsisting licence or for the licence under this Act or a part of either of them be made and the Treasurer may make such refund. *New.*

**21.** *The Private Detectives Act* is repealed.

R.S.O. 1950,  
c. 287,  
repealed

**22.** This Act comes into force on the 1st day of January, 1959. Commence-  
ment

**23.** This Act may be cited as *The Private Investigators Act*, Short title 1958.





## CHAPTER 82

**An Act to amend  
The Provincial Land Tax Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 14 of *The Provincial Land Tax Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 298, s. 14,  
subs. 2,  
re-enacted
- (2)** Subject to subsection 1, assessments under this Act shall be made triennially and the triennial periods of assessment shall commence,

Triennial  
assessments

  - (a)** in the year 1959, in the territorial districts of Kenora, Rainy River, and Thunder Bay;
  - (b)** in the year 1960, in the territorial districts of Algoma, Cochrane, Sudbury, and Timiskaming; and
  - (c)** in the year 1961, in the parts of Ontario not mentioned in clauses *a* and *b*.
- 2.** Assessments under *The Provincial Land Tax Act* shall be made in the year 1958 in accordance with the provisions of that Act in force on the 1st day of January, 1958.

1958  
assessments
- 3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
- 4.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1958*.

Short title



## CHAPTER 83

**The Provincial Parks Act, 1958**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;
- (c) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) "regulations" means regulations made under this Act. 1954, c. 75, s. 1, *amended*.

**2.** All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. 1954, c. 75, s. 2, *amended*.

**3.—(1)** All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks. 1954, c. 75, s. 3 (1), *amended*.

**(2)** The Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. 1954, c. 75, s. 3 (3), *amended*.

**(3)** Land may be acquired under *The Public Works Act* for the purposes of this Act.

Acquisition  
of land  
R.S.O. 1950,  
c. 323

Municipal  
purposes

(4) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4, 5).

Judicial  
purposes

(5) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4-6).

Adminis-  
tration

4.—(1) Each provincial park shall be under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister. 1954, c. 75, s. 5, *amended*.

## Idem

(2) Without limiting the generality of subsection 1, the district forester or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his charge,

- (a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;
- (b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;
- (c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
- (d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
- (e) make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public. 1954, c. 75, s. 9 (2), *amended*.

**5.**—(1) The Minister may receive and take from any Gifts person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

(2) Where only the surface rights in lands are received and taken by the Minister under subsection 1 and the mines and minerals are not vested in the Crown, subsection 1 of section 13 does not apply to such lands. *New.* Surface rights

**6.**—(1) The Minister may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in a provincial park. 1954, c. 75, s. 22 (1), *amended.* Inquiry into leases, etc.

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through him, has been guilty of a fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made and upon such cancellation all moneys paid in respect of such lease or other agreement shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown. 1954, c. 75, s. 22 (3), *amended.* Cancellation of leases

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 of *The Public Lands Act*. 1954, c. 75, s. 22 (3). Power to acquire possession  
R.S.O. 1950, c. 309

**7.** Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. 1956, c. 69, s. 2. Use and occupation of public lands

**8.** In a provincial park, the district forester, superintendent or other person in charge and every forest ranger have all the power and authority of a member of the Ontario Provincial Police Force. 1954, c. 75, s. 23. Police powers

**9.** Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in violation of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the magistrate may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, Seizure and confiscation

and



and after the expiration of thirty days it may be disposed of in such manner as the Minister deems proper. 1956, c. 69, s. 3, *part.*

Roads and  
trails

**10.** The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways. 1956, c. 69, s. 3, *part.*

Sale of  
liquor

R.S.O. 1950,  
c. 210

**11.** No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. 1954, c. 75, s. 24.

Conservation  
of wild life,  
etc.

R.S.O. 1950,  
c. 153

**12.** Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister may take such measures as he deems proper for the protection of fish, animals and birds and any property of the Crown in any provincial park. 1954, c. 75, s. 26, *amended.*

Prospecting,  
mining, etc.

**13.—(1)** Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited.

Licences of  
occupation

**(2)** A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

No title  
acquired in  
surface  
rights

**(3)** The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

Necessary  
use of  
surface  
rights

**(4)** Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he deems necessary. 1956, c. 69, s. 3, *part.*

Regulations

**14.—(1)** The Lieutenant-Governor in Council may make regulations,

(a) for the care, preservation, improvement, control and management of the provincial parks;

(b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;

(c)

- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) regulating, controlling and licensing guides in provincial parks;

(o)

- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in a provincial park;
- (q) providing for the imposition and collection of fees for entrance into a provincial park of persons, vehicles, boats or aircraft;
- (r) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 75, s. 27 (1), *amended*.

Application (2) Any regulation under subsection 1 may be made applicable to all provincial parks or to any provincial park or to any part of a provincial park. 1954, c. 75, s. 27 (2).

Penalty **15.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500.

Restraint by action (2) Where any regulation is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister. 1954, c. 75, s. 28 (1, 3), *amended*.

Niagara and St. Lawrence Parks not affected **16.** Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The Ontario-St. Lawrence Development Commission. *New*.

1954, c. 75 (except s. 29 and Sched.); 1956, c. 69, repealed **17.** *The Provincial Parks Act, 1954*, except section 29 and the Schedule thereto, and *The Provincial Parks Amendment Act, 1956* are repealed.

Commencement **18.** This Act comes into force on the day it receives Royal Assent.

Short title **19.** This Act may be cited as *The Provincial Parks Act, 1958*.

## CHAPTER 84

# **An Act to amend The Public Commercial Vehicles Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clauses *c* and *f* of section 1 of *The Public Commercial Vehicles Act* are repealed and the following substituted therefor: R.S.O. 1950,  
c. 304, s. 1,  
cls. *c*, *f*,  
re-enacted

(*c*) “Department” means Department of Transport;

. . . . .

(*f*) “Minister” means Minister of Transport.

(2) Clause *i* of the said section 1, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1956*, is further amended by striking out “any” in the sixth line and inserting in lieu thereof “one”, so that the clause shall read as follows: R.S.O. 1950,  
c. 304, s. 1,  
cl. *i*,  
amended

(*i*) “public commercial vehicle” means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to one urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest. R.S.O. 1950,  
c. 167

(3) Clause *m* of the said section 1 is amended by adding at the end thereof “but does not include any part of any other urban municipality”, so that the clause shall read as follows: R.S.O. 1950,  
c. 304, s. 1,  
cl. *m*,  
amended

(*m*) “urban zone” means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom but does not include any part of any other urban municipality.

R.S.O. 1950,  
c. 304, s. 2,  
subs. 3,  
amended

**2.** Subsection 3 of section 2 of *The Public Commercial Vehicles Act* is amended by adding at the end thereof "to perform the transportation that is the object of such advertising or undertaking", so that the subsection shall read as follows:

Advertising  
by un-  
licensed  
persons

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act to perform the transportation that is the object of such advertising or undertaking.

R.S.O. 1950,  
c. 304,  
amended

**3.** *The Public Commercial Vehicles Act* is amended by adding thereto the following section:

Issue or  
transfer  
of shares  
of corpora-  
tion

4a. The Minister may in his discretion require the directors of a corporation which is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock and where, in the opinion of the Board, a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation.

R.S.O. 1950,  
c. 304, s. 15,  
cl. n,  
re-enacted

**4.** Clause *n* of section 15 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

(*n*) prescribing the form of or conditions in the bill of lading to be used.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1958*.



## CHAPTER 85

### An Act to amend The Public Hospitals Act, 1957

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 29 of *The Public Hospitals Act, 1957* is amended <sup>1957, c. 98,</sup> by striking out "any account rendered to it by a hospital <sup>s. 29,</sup> amended for treatment of a patient or on payment by it of" in the first, second and third lines and by striking out "from the patient, or, in the event of his decease" in the fourth and fifth lines, so that the section shall read as follows:

29. Upon the payment by a municipality of any expenses <sup>Municipal</sup> of burial of a deceased patient, such municipality <sup>right of</sup> may recover from his estate or personal represen- <sup>recourse</sup> tatives, or, in the case of a dependant, from any <sup>against</sup> person liable in law with respect to such dependant, <sup>patient</sup> the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

**2.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant-Governor by his Proclamation. <sup>ment</sup>

**3.** This Act may be cited as *The Public Hospitals Amend-* <sup>Short title</sup> *ment Act, 1958.*



## CHAPTER 86

## An Act to amend The Public Lands Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Public Lands Act* are repealed. R.S.O. 1950,  
c. 309,  
ss. 9, 10,  
repealed
2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended
  - 12a.—(1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor-General may require the applicant to have a survey made and to bear the cost thereof, or he may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor-General shall cause the lands to be surveyed. Where  
survey  
required
  - (2) The requirements of subsection 1 are additional to *Idem* the payment of the sale price of the lands.
3. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended
  - 14a.—(1) In his management of the public lands for recreational use, the Minister may from time to time define areas on maps or plans, and he may designate such areas as zones, and he may classify any such zone as "Open", "Deferred", "Wilderness", or otherwise as he deems proper. Zoning  
public  
lands for  
recreational  
use
  - (2) The Minister may designate areas in which the public lands are not open for disposition as summer resort locations until a plan of subdivision of the lands to be disposed of is registered under *The Land Titles Act* or *The Registry Act*. Plan of  
subdivision  
may be  
required  
R.S.O. 1950,  
cc. 197, 336
4. Section 15 of *The Public Lands Act*, as amended by section 4 of *The Public Lands Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 309, s. 15,  
amended

Sale by  
tender or  
auction

- (1a) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as he deems proper.

R.S.O. 1950,  
c. 309, s. 29,  
re-enacted;  
s. 30,  
repealed

5. Sections 29 and 30 of *The Public Lands Act* are repealed and the following substituted therefor:

How  
Department  
employees  
may acquire  
public lands

29. No person holding an office in or under the Department and no person employed in or under the Department shall, directly or indirectly, purchase any right, title or interest in any public lands either in his own name or by the interposition of any other person or in the name of any other person in trust for himself without the approval of the Lieutenant-Governor in Council.

R.S.O. 1950,  
c. 309, s. 57a,  
subs. 2  
(1956, c. 72,  
s. 5),  
re-enacted

6. Subsection 2 of section 57a of *The Public Lands Act*, as re-enacted by section 5 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of  
trees  
reserved,  
etc.

- (2) Where public lands have been disposed of by the Crown under this or any other Act and some but not all of the species of trees thereon have been reserved to the Crown and are not under timber licence, the Minister may, if the lands comprise not more than 200 acres, or, if the lands comprise more than 200 acres, the Minister may, with the approval of the Lieutenant-Governor in Council, acquire any species of trees not so reserved or release any species of trees so reserved at such price and upon such terms and conditions as he deems proper.

R.S.O. 1950,  
c. 309, s. 61a  
(1953, c. 88,  
s. 12),  
subs. 1,  
re-enacted

7. Subsection 1 of section 61a of *The Public Lands Act*, as enacted by section 12 of *The Public Lands Amendment Act, 1953* and amended by section 6 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of  
road  
reservations

- (1) Where letters patent have issued for land that is in a municipality and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from any reservation relating to roads mentioned in section 61 or in the letters patent.

8. *The Public Lands Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 309  
amended

65.—(1) Subject to subsection 5, where public lands that have been disposed of by the Crown under this or any other Act are surveyed and subdivided for the purpose of being sold or conveyed in lots or blocks by reference to a plan to be registered under *The Land Titles Act* or *The Registry Act* and such plan is signed within five years of the issue of the letters patent granting the land by the owner of the land shown on the plan to be registered, one-quarter in acreage of all the lots and blocks shown on the plan become the property of and are vested in the Crown upon the registration of the plan.

Right of  
Crown to  
one-quarter  
of lots

R.S.O. 1950,  
cc. 197, 336

(2) In cases under subsection 1, the Minister may make such selection of the lots or blocks on the plan as he and the person by whom the plan is to be registered may agree upon, or the Minister may first select one lot or block and such person shall then select three lots or blocks and so on in turn, the Minister selecting one and such person three until the division is made.

Manner of  
selection

(3) The selection made under subsection 2 shall comprise as nearly as may be one-quarter in acreage of all the lots and blocks on the plan and, for the purpose of subsection 1, the selection so made shall be deemed to comprise one-quarter in acreage of such lots and blocks.

Selection  
made  
deemed  
to be  
one-quarter  
of lots

(4) In cases under subsection 2, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect:

Certificate  
of Minister  
as to  
selection

I hereby certify that, pursuant to subsection 2 of section 65 of *The Public Lands Act*, I have selected ..... from all the lots and blocks on this  
(lot or block)  
plan.

Dated at Toronto this ..... day of .....,  
19....

.....  
Minister of Lands and Forests

(5) The Minister, with the approval of the Lieutenant-Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots and blocks on the plan.

Commun-  
tation



Certificate  
of Minister  
as to money  
payment

- (6) In cases under subsection 5, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect:

Pursuant to subsection 5 of section 65 of *The Public Lands Act*, the Lieutenant-Governor in Council by his Order Number . . . . ., dated the . . . day of . . . . ., 19 . . . , has approved the acceptance of a money payment in lieu of one-quarter in acreage of all the lots and blocks on this plan.

Dated at Toronto this . . . day of . . . . ., 19 . . .

.....  
Minister of Lands and Forests

Condition  
precedent  
to  
registration

- (7) No plan under this section and no instrument referring thereto shall be registered in any land titles office or registry office until a certificate under subsection 4 or 6 is endorsed thereon.

Entry of  
Crown as  
owner

- (8) In cases under subsection 2, the local master of titles or the registrar, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots or blocks mentioned in the certificate endorsed thereon.

Mines and  
minerals

- (9) Nothing in this section affects any rights in mines or minerals.

Release  
by  
Crown  
R.S.O. 1950,  
c. 394

**9.**—(1) Where a plan of subdivision to which *The Town Sites Act* applied has been registered without the approval of the Lieutenant-Governor in Council and without being signed by the Minister of Lands and Forests as required by that Act, the Crown shall in every such case be deemed to have released its rights under that Act.

R.S.O. 1950,  
c. 394, s. 4  
of no  
effect

- (2) Section 4 of *The Town Sites Act* shall be deemed to be and always to have been void and of no effect.

Reservation  
in letters  
patent  
voided,  
Striker Twp.

**10.** The reservation contained in certain letters patent dated the 29th day of August, 1882, that granted Broken Lot 1, Concession 1, in the Township of Striker to William Lount, in the words “Reserving to Our Heirs and Successors the right to take so much of said land as may be necessary for the purposes of the Right of Way Sidings Station Grounds and Docks of The Ontario Sault Sainte Marie Railway without compensation for such Reservation” shall be deemed to be void and of no effect.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Public Lands Amendment Act, 1958*.

## CHAPTER 87

## An Act to amend The Public Parks Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 12 of *The Public Parks Act* is amended by striking out "Ontario Municipal Board" in the eleventh and twelfth lines and inserting in lieu thereof "council", so that the subsection shall read as follows: R.S.O. 1950, c. 314, s. 12, subs. 6, amended

- (6) Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, otherwise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease the same for such purposes for such times and on such terms as the board may see fit; but the powers conferred by this subsection shall not be exercisable with respect to any park unless the board has applied for and received the approval of the council. Lands for athletic, etc., purposes

2. Subsection 5 of section 17 of *The Public Parks Act* is amended by striking out "a special issue of debentures, to be called 'Park Fund Debentures'" in the second and third lines and inserting in lieu thereof "the issue of debentures", so that the subsection shall read as follows: R.S.O. 1950, c. 314, s. 17, subs. 5, amended

- (5) Subject as hereinafter provided, the council may also, on the requisition of the board, raise by the issue of debentures the sums required for the purpose of purchasing the land and privileges which are reported by the board to be necessary for park purposes, and for making permanent improvements upon any land theretofore acquired by the board for park purposes. Power to issue debentures

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Public Parks Amendment Act, 1958*. Short title



## CHAPTER 88

## An Act to amend The Public Schools Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *n* of section 1 of *The Public Schools Act*, as re-lettered by section 1 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 1,  
cl. *n*,  
re-enacted

- (*n*) "school site" means the land necessary for a school-house, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board.

**2.** Subsection 4 of section 5 of *The Public Schools Act* is amended by striking out "*The School Attendance Act*" in the seventh line and inserting in lieu thereof "Part I of *The Schools Administration Act, 1954*", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 316, s. 5,  
subs. 4,  
amended

- (4) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send the child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in the municipality or school section, and every such corporation, society, agent or person shall be subject to the provisions of Part I of *The Schools Administration Act, 1954* in the same manner and to the same extent as a ratepayer.

Rights of  
persons  
having  
charge of  
children

1954, c. 86

**3.** Subsection 24 of section 15 of *The Public Schools Act* is repealed.

R.S.O. 1950,  
c. 316, s. 15,  
subs. 24,  
repealed

**4.** Subsections 1 and 6 of section 16 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 16,  
subss. 1, 6,  
re-enacted

- (1) An inspector may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form two or more

Township  
school  
areas in  
unorganized  
territory

school sections in territory without municipal organization or parts thereof into a township school area and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

. . . . .

Incorporation

- (6) Every board of trustees of a township school area formed under this section shall be a corporation by the name of "The Public School Board of the Township School Area of . . . . ."  
(inserting the name selected by the inspector and approved by the Minister).

R.S.O. 1950,  
c. 316, s. 32,  
subs. 9,  
re-enacted

5. Subsection 9 of section 32 of *The Public Schools Act* is repealed and the following substituted therefor:

Arbitrators

- (9) Each of the councils so petitioned shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council, and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality and each such inspector shall also be an arbitrator.

R.S.O. 1950,  
c. 316, s. 43,  
subs. 4,  
amended

6. Subsection 4 of section 43 of *The Public Schools Act* is amended by striking out "The provisions of subsection 1 of section 6" in the first line and inserting in lieu thereof "Section 3 of *The Schools Administration Act, 1954*", so that the subsection shall read as follows:

Attendance  
at school  
when second  
school  
closed

1954, c. 86

- (4) Section 3 of *The Schools Administration Act, 1954* shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending the second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of the school section from the duty of providing school accommodation for such pupils during such periods.

R.S.O. 1950,  
c. 316, s. 47,  
(1957, c. 101,  
s. 10),  
re-enacted

7. Section 47 of *The Public Schools Act*, as re-enacted by section 10 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

Assessment  
of part of  
unorganized  
territory in  
a school  
section that  
includes an  
organized  
municipality

- 47.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be

deemed



deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

- (2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall,

Estimates to include expenses of collection, etc., and allowances to be made

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes which it is estimated will not be collected during the year in such part of the territory without municipal organization; and
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio which the assessment in that part of the territory without municipal organization bears to the total assessment of the union section.

**8.** Section 50 of *The Public Schools Act*, as amended by R.S.O. 1950, section 5 of *The Public Schools Amendment Act, 1954*, is c. 316, s. 50, amended further amended by adding thereto the following subsections:

- (2b) The inspector shall define the area of the school section not exceeding thirty-six square miles and subject to this restriction and with the approval of the Minister may alter the boundaries of the school section. Limits of section
- (2c) Any alteration of the boundaries of a school section under this section shall take effect on the 25th day of December. Effective date of alteration

**9.** Section 56 of *The Public Schools Act*, as re-enacted by R.S.O. 1950, section 11 of *The Public Schools Amendment Act, 1957*, is c. 316, s. 56 (1957, c. 101, s. 11), amended amended by adding thereto the following subsection:

Municipalities in township school area to pay in proportion

- (13) Where a township school area comprises two or more municipalities or parts thereof, subsection 5 of section 58 shall apply to such municipalities.

R.S.O. 1950, c. 316, s. 70, repealed

- 10.** Section 70 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 83, subs. 4, amended

- 11.** Subsection 4 of section 83 of *The Public Schools Act* is amended by inserting after "available" in the second line "or that the electors have failed to elect trustees", so that the subsection shall read as follows:

Appointment of trustees on failure of qualified persons

- (4) Where the inspector reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act.

R.S.O. 1950, c. 316, s. 93, cl. 1, repealed

- 12.** Clause *t* of section 93 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, ss. 125, 126, repealed

- 13.** Sections 125 and 126 of *The Public Schools Act* are repealed.

Commencement

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1958*.

## CHAPTER 89

## An Act to amend The Public Service Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Service Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 317,  
amended

6a.—(1) Notwithstanding subsection 3 of section 3 and sections 5 and 6, the Lieutenant-Governor in Council may appoint in any special capacity not included in the classification schedules made under the regulations any person who is receiving a superannuation allowance and who has professional, expert or technical knowledge that the Lieutenant-Governor in Council desires to have at his disposal. Appointment  
of  
super-  
annuates

(2) Sections 13 and 23 do not apply to a person appointed under this section. Ss. 13, 23  
not to  
apply

**2.** Section 9 of *The Public Service Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 317, s. 9,  
amended

(aa) prescribing the maximum period for which an appointment may be made under section 6a.

**3.** Section 21, as re-enacted by section 1 of *The Public Service Amendment Act, 1953* and amended by section 1 of *The Public Service Amendment Act, 1955*, and section 22, as re-enacted by section 1 of *The Public Service Amendment Act, 1953* and amended by section 2 of *The Public Service Amendment Act, 1955*, of *The Public Service Act* are repealed and the following substituted therefor: R.S.O. 1950  
c. 317,  
ss. 21, 22  
(1953, c. 91  
s. 1),  
re-enacted

21.—(1) Every employee who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty-five years of age and who is not entitled to an allowance under this Act is entitled to a deferred annuity. Deferred  
annuities

Immediate annuities

- (2) Every employee who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Act is entitled to an immediate annuity.

Idem

- (3) Every employee who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is fifty years of age and before he is sixty years of age is, with the approval of the Lieutenant-Governor in Council, entitled to an immediate annuity.

Idem

- (4) Every former employee who has a deferred annuity is, with the approval of the Lieutenant-Governor in Council, entitled to an immediate annuity.

Employees over 50

- (5) This section does not apply to any employee who was more than fifty years of age when his continuous service commenced.

Computation of deferred annuity

- 22.—(1) The amount of every deferred annuity shall be computed by dividing by 50 the amount of the average annual salary of the employee during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the number of years of his service, not exceeding thirty-five years, minus 1 per cent for each whole year by which the number of years of his service is less than twenty years.

Computation of immediate annuity

- (2) The amount of every immediate annuity shall be computed in the same manner as provided in subsection 1 except that the amount so determined shall be adjusted in accordance with the following table:

Age		Divisor
60	.....	50
59	.....	54
58	.....	58
57	.....	62
56	.....	67
55	.....	72
54	.....	77
53	.....	82
52	.....	88
51	.....	94
50	.....	100

22a. Section 27 applies *mutatis mutandis* to the widow or <sup>Widows and</sup> child or children of an annuitant under section 21 <sup>children of annuitants</sup> except that the amount of the allowance shall be equal to one-half the value of the annuity.

22b. Except as provided in section 22a, where an annuitant <sup>Death of annuitant</sup> dies, an amount equal to the amount of his contributions to the Fund with interest at 3 per cent per annum, less the amount of the annuity paid to him, shall be paid to his personal representative.

4.—(1) This Act, except section 3, comes into force on the <sup>Commence-</sup> day it receives Royal Assent. <sup>ment</sup>

(2) Section 3 comes into force on the 1st day of April, 1958. <sup>Idem</sup>

5. This Act may be cited as *The Public Service Amendment* <sup>Short title</sup> *Act, 1958.*





CHAPTER 90

An Act to amend The Public Trustee Act

Assented to March 27th, 1958  
Session Prorogued March 27th, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 3 of *The Public Trustee Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 319, s. 3,  
subss. 1, 2,  
re-enacted;  
subs. 3,  
repealed

Deputy or  
deputies
- (1) The Lieutenant-Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Public Trustee during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Public Trustee.

(2) In the case of the death of the Public Trustee, the deputy who in point of time is senior in appointment to office shall act as Public Trustee until a Public Trustee is appointed.
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Public Trustee Amendment Act, 1958*.

Short title



## CHAPTER 91

## An Act to amend The Public Utilities Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Public Utilities Act* is amended by striking out "Part XV" in the first line and inserting in lieu thereof "Parts XV and XVI", so that the section shall read as follows:

3. Parts XV and XVI of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part.

Provision  
as to paying  
compensation  
R.S.O. 1950,  
c. 243

**2.** Clause *h* of section 13 of *The Public Utilities Act* is repealed.

R.S.O. 1950,  
c. 320, s. 13,  
cl. *h*,  
repealed

**3.** Subsection 3 of section 35 of *The Public Utilities Act* is amended by inserting after "utility" in the fourth line "other than those issued under *The Local Improvement Act*", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 320, s. 35,  
subs. 3,  
amended

(3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

Where levy  
of rate  
necessary

R.S.O. 1950,  
c. 215

**4.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**5.** This Act may be cited as *The Public Utilities Amendment Act, 1958*.

Short title





## CHAPTER 92

## An Act to amend The Public Vehicles Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *c* and *e* of section 1 of *The Public Vehicles Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 322, s. 1,  
cls. *c*, *e*,  
re-enacted

(*c*) "Department" means Department of Transport;

. . . . .

(*e*) "Minister" means Minister of Transport.

**2.** Subsection 3 of section 2 of *The Public Vehicles Act* is amended by adding at the end thereof "to perform the transportation that is the object of such advertising or undertaking", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 322, s. 2,  
subs. 3,  
amended

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for or on behalf of whom the vehicle is operated is licensed under this Act to perform the transportation that is the object of such advertising or undertaking.

Advertising  
by un-  
licensed  
persons

**3.** *The Public Vehicles Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 322,  
amended

3a. The Minister may in his discretion require the directors of a corporation which is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock and, where in the opinion of the Board a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation.

Issue or  
transfer  
of shares  
of corpora-  
tion

**4.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**5.** This Act may be cited as *The Public Vehicles Amendment Act, 1958*.

Short title



## CHAPTER 93

**An Act to amend  
The Real Estate and Business Brokers Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 332,  
amended

7a.—(1) In determining the granting or refusal of an application for registration or renewal of a registration or the suspension or cancellation of a registration, the Superintendent may, and shall when so requested in writing by the applicant or person registered, appoint an advisory board consisting of three members of whom two shall be registered brokers and the third shall be chairman, which shall hold a hearing and make a report to the Superintendent with such recommendation as it may deem fit. Advisory  
board  
to hold  
hearing  
and report

(2) For the purpose of the hearing, the chairman of the advisory board has and may exercise all of the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Powers of  
chairman  
R.S.O. 1950,  
c. 308

**2.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1958*. Short title



## CHAPTER 94

## An Act to amend The Registry Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Registry Act*, as amended by section 2 of *The Registry Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 336, s. 52, re-enacted

- 52.—(1) A deed, conveyance, mortgage, assignment of mortgage, release or quit claim that is made by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that such person is or such persons are of the full age of twenty-one years. Affidavit as to age
- (2) A deed, conveyance, mortgage, release or quit claim that is executed after the 25th day of June, 1939, and that is made by a man and a woman joins therein as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they are legally married. Affidavit as to marriage
- (3) A deed, conveyance, mortgage, release or quit claim that is made by a man and no one joins therein as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man is married, unmarried, divorced or a widower, as the case may be. Affidavit as to marital status
- (4) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1, 2 or 3 cannot Dispensing with affidavit



be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he deems proper, dispense with the affidavit or declaration, and thereupon he shall endorse upon the instrument or securely attach to it his order directing the registrar to register the instrument notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the instrument.

Entry in  
register

- (5) In the case of a conveyance, the registrar shall copy the affidavit, declaration or judge's order in the register with the copy of the conveyance.

Where  
subs. 1 does  
not apply

- (6) Subsection 1 does not apply,

- (a) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, release or quit claim solely for the purpose of barring her dower;
- (b) to a mortgage of leasehold lands; or
- (c) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by an executor or administrator or a trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

Where  
subss. 2, 3  
do not  
apply

- (7) Subsections 2 and 3 do not apply,

- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;
- (b) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by men or women who are the registered owners of lands as trustees or as holding the lands as partnership property or as joint tenants or under power of appointment if they are so described in the conveyance of the lands to them;
- (c) to a mortgage of leasehold lands; or
- (d) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

**2.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1950, c. 336, amended

72a. Where an entry of an instrument in an abstract index has been struck out under section 72 and the instrument has been reproduced on photographic film under this Act, the registrar may, with the approval of the Inspector, destroy the instrument. Destruction of instruments

**3.** Section 84 of *The Registry Act*, as amended by section 12 of *The Registry Amendment Act, 1954*, section 3 of *The Registry Amendment Act, 1955* and subsection 1 of section 4 of *The Registry Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 336, s. 84, amended

(16a) The registrar shall not register a plan of subdivision of land to which *The Certification of Titles Act, 1958* applies and which is in a certification area unless the person by whom or on whose behalf the plan is tendered for registration under this Act appears on the books of the registry office to be the owner of the land and unless there has been registered a certificate of his title to the land under *The Certification of Titles Act, 1958* and the consent of all persons who appear by such certificate to have an interest in the land is endorsed on the plan and signed by such persons or, in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit. Registration of plans in a certification area 1958, c. 9

**4.** Subsection 3 of section 4 of *The Registry Amendment Act, 1957* is repealed. 1957, c. 107, s. 4, subs. 13, repealed

**5.** Section 3 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

**6.** This Act may be cited as *The Registry Amendment Act, 1958*. Short title



## CHAPTER 95

**An Act to amend  
The Rehabilitation Services Act, 1955**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clauses *b* and *c* of section 1 of *The Rehabilitation Services Act, 1955* are repealed and the following substituted therefor: 1955, c. 71,  
s. 1, cl. *b*,  
re-enacted;  
cl. *c*,  
repealed

(*b*) “Director” means Director of Rehabilitation Services of the Department of Public Welfare.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: 1955, c. 71,  
s. 1, cl. *e*,  
re-enacted

(*e*) “local authority” means a field worker or regional welfare administrator employed by the Department of Public Welfare, an employee of the Department of Public Welfare designated by the Minister, or a person appointed by the council of a municipality with the approval of the Minister as a municipal welfare administrator.

**2.** This Act may be cited as *The Rehabilitation Services Amendment Act, 1958*. Short title





## CHAPTER 96

# An Act to amend The Sanatoria for Consumptives Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 37 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1950  
c. 346, s. 37,  
amended

- (7) The Minister of Public Welfare may reimburse a local municipality for any money expended by its local board under subsection 2 or 5 in such amounts and under such conditions as are prescribed in the regulations under *The Unemployment Relief Act* or any successor of that Act. Provincial  
contribution  
R.S.O. 1950,  
c. 403

**2.**—(1) Subsection 1 of section 38 of *The Sanatoria for Consumptives Act*, as re-enacted by section 1 of *The Sanatoria for Consumptives Amendment Act, 1952*, is amended by striking out “exceeding” in the sixth line and inserting in lieu thereof “less than”, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,  
c. 346, s. 38  
(1952, c. 94,  
s. 1), subs. 1,  
amended

- (1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not less than, Burial  
expenses,  
by local  
municipality

. . . . .

(2) Clause *a* of subsection 1 of the said section 38 is amended by striking out “\$75” and inserting in lieu thereof “\$125”, so that the clause shall read as follows: R.S.O. 1950,  
c. 346, s. 38  
(1952, c. 94,  
s. 1), subs. 1,  
cl. *a*,  
amended

- (*a*) \$125 for the burial.

Commence-  
ment

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

**4.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1958*.

## CHAPTER 97

## An Act to amend The Schools Administration Act, 1954

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Schools Administration Act, 1954* is amended by adding thereto the following clause: 1954, c. 86,  
s. 1,  
amended

(dd) "itinerant teacher" means a teacher employed on a part-time basis by one board or more to teach one subject and who is normally required to travel from one school to another in the performance of his duties.

**2.—(1)** Subsection 4 of section 17 of *The Schools Administration Act, 1954* is amended by adding at the commencement thereof "Subject to subsection 4a", so that the subsection shall read as follows: 1954, c. 86,  
s. 17, subs. 4,  
amended

(4) Subject to subsection 4a, a teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of sickness or such tooth or gum condition. Payment for  
absence due  
to illness  
or dental  
condition

(2) The said section 17 is amended by adding thereto the following subsection: 1954, c. 86,  
s. 17,  
amended

(4a) An itinerant teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for 10 per cent of the periods of instruction and Itinerant  
teacher

supervision

supervision specified in the agreement for his employment in any one school year; but a board may in its discretion pay the itinerant teacher his salary for more than 10 per cent of the periods of instruction and supervision notwithstanding his absence from duty on account of sickness or such tooth or gum condition.

1954, c. 86,  
s. 32,  
amended

**3.** Section 32 of *The Schools Administration Act, 1954*, as amended by section 1 of *The Schools Administration Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (i) appoint for each school that it operates a principal and an adequate number of teachers all of whom shall be qualified according to the Acts and regulations administered by the Minister.

1954, c. 86,  
s. 33, cl. p,  
re-enacted

**4.** Clause *p* of section 33 of *The Schools Administration Act, 1954* is repealed and the following substituted therefor:

- (p) appoint a supervisory officer for a position that is provided for in any Act or regulation administered by the Minister and the appointee shall hold the qualifications and perform the duties required in the Act or regulations.

1954, c. 86,  
amended

**5.** *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Inspection  
of books  
and accounts

- 41a. Any person may, at all reasonable hours, inspect the minute book, the audited annual financial report and the current accounts of a board, and the secretary, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, shall furnish copies of them or extracts therefrom certified under his hand.

1954, c. 86,  
amended

**6.** *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Biennial  
elections

- 46a.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial elections have been provided for members of council, the trustees shall be elected biennially in the same year as the members of council and shall hold office for two years.

- (2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial election of trustees shall cease to hold office at the end of that year. Trustees in office before first biennial election

- (3) Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality which is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial elections for members of council, each municipality having biennial elections shall make provision for the nomination and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality. Where a responsible municipality has annual elections and another municipality in same school section has biennial elections

**7.** Clause *d* of section 54 of *The Schools Administration Act, 1954* is repealed and the following substituted therefor: 1954, c. 86, s. 54, cl. *d*, re-enacted

- (*d*) "school site" means the land necessary for a school-house, school playground, school garden, teachers' residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board.

**8.** *The Schools Administration Act, 1954* is amended by adding thereto the following section: 1954, c. 86, amended

- 83*b*.—(1) Except as provided in subsection 2, the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. Trailer fee in public school section in unorganized territory

- (2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the secretary of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. Trailer fee re separate school in unorganized territory



Trailer fee  
in secondary  
school  
district in  
unorganized  
territory

- (3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$2 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Notice

- (4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of the board concerned or the tax collector that he is liable to pay such fee and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

Content  
of notice

- (5) Every notice under this section shall make reference to this section and shall specify,

(a) the amount of fees for which the person is liable on receipt of the notice;

(b) the amount of the monthly fee to be paid thereafter;

(c) the date by which payment is required to be made;

(d) the place at which payment may be made; and

(e) the fine provided under this section.

Offence and  
fine

- (6) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence.

1954, c. 86,  
amended

9. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Arbitrators  
to send copy  
of award to  
board, etc.

83c.—(1) Arbitrators acting under *The Public Schools Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act, 1954* or this Act shall

R.S.O. 1950,  
cc. 316, 356;  
1954, c. 87

send

send a copy of their award forthwith after the making thereof to the secretary of the school board and to the clerk of each municipality affected.

- (2) Such arbitrators shall determine the liabilities of the parties concerned for the cost of the arbitration and such determination shall be final and conclusive. Liability of parties for costs
- (3) Each arbitrator, except an arbitrator under Part VI, shall be paid a fee, Fees
- (a) in the case of the Ontario Municipal Board, as determined by the Board;
  - (b) in the case of a judge, at the rate of \$15 for each sitting of a half-day or fraction thereof;
  - (c) in the case of an arbitrator other than a school inspector, judge or member of the Ontario Municipal Board, at the rate of \$10 for each sitting of a half-day or fraction thereof.
- (4) This section does not apply to a Board of Reference Application or the members thereof.

**10.**—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Section 8 comes into force on the 1st day of September, 1958. Idem

**11.** This Act may be cited as *The Schools Administration Amendment Act, 1958*. Short title



## CHAPTER 98

**An Act to amend  
The Secondary Schools and Boards  
of Education Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 12 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: <sup>1954, c. 87,  
s. 12,  
subs. 3,  
re-enacted</sup>

- (3) The Lieutenant-Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. <sup>In  
unorganized  
territory</sup>

**2.** Clause *e* of subsection 1 of section 19 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: <sup>1954, c. 87,  
s. 19,  
subs. 1,  
cl. *e*,  
re-enacted</sup>

- (*e*) is not a member of a municipal council or the clerk or treasurer of a municipality or county or a member of any other school board or is otherwise disqualified.

**3.** Subsection 2 of section 23 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: <sup>1954, c. 87,  
s. 23, subs. 2,  
re-enacted</sup>

- (2) Where two or more public school boards operate public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district, <sup>Idem</sup>

as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

1954, c. 87,  
s. 24,  
re-enacted

4. Section 24 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Board in  
unorganized  
territory

24.—(1) Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board.

Powers  
and  
duties

(2) The board may borrow money as provided in section 34 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-  
ment of  
costs

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

Assessment

(4) The assessor and tax collector appointed by the board for the territory without municipal organization shall have the same powers as an assessor and tax collector in a municipality.

Rates for  
first year  
to be levied  
on current  
assessment

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year.

1954, c. 87,  
s. 29, subs. 1,  
amended

5. Subsection 1 of section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after "thereof" in the eighth line "and of any territory without municipal organization", so that the subsection shall read as follows:

Debentures  
for  
permanent  
improve-  
ments

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised



by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

6. Clause *c* of subsection 2 of section 32 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 32, subs. 2, cl. c, re-enacted

- (c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at one mill in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

. . . . .

7. Subsections 10, 13 and 14 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor: 1954, c. 87, s. 33, subss. 10, 14, repealed; subs. 13, re-enacted

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. Effect of decision

8. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87, amended

33a.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 32 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization. Proportion of liability in high school districts that include unorganized territory

- (2) Subsections 9 to 15 of section 33 apply *mutatis mutandis* to an arbitration under this section. Application of sub-sections 9-15 of section 33

Reference to  
Municipal  
Board on  
objection of  
ratepayers  
of  
unorganized  
territory

- (3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 11 of section 33.

1954, c. 87,  
s. 62,  
amended

**9.** Section 62 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Director  
of  
education

- (5) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-  
ment,  
suspension  
and  
removal of  
director  
R.S.O. 1950,  
c. 316

- (6) The provisions of *The Public Schools Act* with respect to the appointment, suspension and removal of an inspector shall apply *mutatis mutandis* to the appointment, suspension and removal of a director of education.

Commence-  
ment

**10.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1958.

Short title

**11.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1958*.

## CHAPTER 99

## An Act to amend The Separate Schools Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 17 of section 26 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 356, s. 26,  
subs. 17,  
re-enacted

(17) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school. Secretary  
to transmit  
minutes to  
inspector

**2.—(1)** Clause *d* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 356, s. 46,  
cl. *d*,  
re-enacted

(*d*) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board. to provide  
accommoda-  
tion and  
teachers;

(2) Clause *u* of the said section 46 is amended by striking out "quarterly" in the second line and inserting in lieu thereof "monthly", so that the clause shall read as follows: R.S.O. 1950,  
c. 356, s. 46,  
cl. *u*,  
amended

(*u*) to arrange for the payment of teachers' salaries monthly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding 8 per cent per annum, the money required for that purpose until the taxes are collected. payment of  
salaries;

**3.** Section 82 of *The Separate Schools Act* is repealed. R.S.O. 1950,  
c. 356, s. 82,  
repealed

**4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**5.** This Act may be cited as *The Separate Schools Amendment Act, 1958*. Short title



## CHAPTER 100

## An Act to amend The Sheriffs Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 24 of *The Sheriffs Act* is <sup>R.S.O. 1950,</sup> amended by striking out “of all prisoners in his custody, and” <sup>c. 359, s. 24,</sup> in the sixth line and by striking out “prisoners” in the eleventh <sup>subs. 1,</sup> line, so that the subsection shall read as follows: <sup>amended</sup>

- (1) Upon the removal of a sheriff from office or upon <sup>Proceedings</sup> his resignation and the appointment of his successor, <sup>on removal,</sup> the outgoing sheriff, or, in the event of the death of <sup>etc., of</sup> a sheriff, the deputy sheriff or sheriff *pro tempore* shall forthwith make out and deliver to the incoming sheriff a true and correct list and account, under his hand, of all writs and process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the incoming sheriff the matters intended to be transferred to him, and shall thereupon hand over and transfer to the care and custody of the incoming sheriff all such writs and process, and all records, books and matters appertaining to the office of sheriff.

(2) Subsection 2 of the said section 24 is amended by <sup>R.S.O. 1950,</sup> striking out “for all the prisoners therein mentioned, and <sup>c. 359, s. 24,</sup> transferred to the incoming sheriff, and from the further <sup>subs. 2,</sup> charge of” in the fourth, fifth and sixth lines and inserting in <sup>amended</sup> lieu thereof “from” and by striking out “the prisoners, and with” in the ninth and tenth lines, so that the subsection shall read as follows:

- (2) The incoming sheriff shall thereupon sign and <sup>Duty of</sup> deliver a duplicate of the list and account to the <sup>incoming</sup> outgoing sheriff, or to the deputy sheriff, or sheriff <sup>sheriff</sup> *pro tempore*, to whom the same shall be a good and sufficient discharge from the execution of the writs and process mentioned therein, without any writ of discharge or other writ whatsoever, and the incoming

sheriff



sheriff shall thereupon stand and be fully and effectually charged with the execution and care of the writs and process mentioned in the list and account.

Short title

**2.** This Act may be cited as *The Sheriffs Amendment Act, 1958*.

## CHAPTER 101

## An Act to amend The Stallions Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 15 of *The Stallions Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 370, s. 15,  
amended

(hh) exempting from the Act any breed or class of stallions.

**2.** This Act may be cited as *The Stallions Amendment Act*, Short title 1958.



## CHAPTER 102

## An Act to amend The Statute Labour Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Statute Labour Act* is amended by R.S.O. 1950, c. 372, s. 30, inserting after "labour" in the first line "or to pay an amount amended of commutation money in lieu thereof" and by inserting after "liable" in the fifth line "or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable", so that the section shall read as follows:

30. Any person liable to perform statute labour or to pay an amount of commutation money in lieu thereof under sections 11 to 37 who, after six days' notice requiring him to do the labour, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable, shall incur a penalty of \$5, and in addition the amount of the commutation money as fixed by the commissioners under section 27 for each day in respect of which he makes default, the same to be paid to the secretary-treasurer and to be expended in improving the roads on which the labour should have been performed, or such other roads as, in the opinion of the commissioners, require improvement. Penalty for neglect to perform work or pay money

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Statute Labour Amendment Act, 1958*. Short title





CHAPTER 103

An Act to amend The Succession Duty Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 9 of *The Succession Duty Act* R.S.O. 1950, c. 378, s. 9, subs. 2, amended is amended by striking out “\$1,500” in the second line and inserting in lieu thereof “\$2,500”, so that the subsection shall read as follows:

(2) Notwithstanding anything in this Act, any insurance company may make payment not exceeding \$2,500 Payment of insurance, where no consent necessary due under any contract or contracts of insurance mentioned in subsection 1 without the consent of the Treasurer, and where such payment exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer.

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Succession Duty Amendment Act, 1958*. Short title



## CHAPTER 104

## An Act to amend The Summary Convictions Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 4 of *The Summary Convictions Act*, as amended by subsection 1 of section 1 of *The Summary Convictions Amendment Act, 1953*, is further amended by striking out "fifteen" in the amendment of 1953 and inserting in lieu thereof "twenty-one", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 379, s. 4,  
subs. 5,  
amended

- (5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it by prepaid post or by personal service within twenty-one days of the alleged violation.

Time for  
service for  
violation of  
R.S.O. 1950,  
c. 167

**2.** Subsection 1 of section 10 of *The Summary Convictions Act* is amended by striking out "in a city or town" in the fifth line and by striking out "in the city or town" in the ninth and tenth lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 379, s. 10,  
subs. 1,  
amended

- (1) Where a person charged with an offence against any statute of Ontario, or against any by-law passed under the authority of any such statute, is taken into custody either with or without the warrant of a justice of the peace and is brought into a police station at any time during the day or night, the police officer in charge of the station, if he thinks the case a proper one, may take bail without fee from such person by recognizance conditioned for his appearance within two days before the magistrate or other justice at the time and place therein mentioned.

When  
officers  
in charge  
of police  
station may  
take bail

**3.** This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Summary Convictions Amendment Act, 1958*.

Short title



## CHAPTER 105

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1958, and the 31st day of March, 1959**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
John Keiller Mackay, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1958, and for the fiscal year ending the 31st day of March, 1959, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.** In addition to the sum of \$598,270,500 granted by *The Supply Act, 1957*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$57,382,000 <sup>\$57,382,000 granted for fiscal year 1957-58</sup> to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1957, to the 31st day of March, 1958, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

**2.** There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$741,160,500 <sup>\$741,160,500 granted for fiscal year 1958-59</sup> to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1958, to the 31st day of March, 1959, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.



Accounting  
for  
expenditure

**3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Supply Act, 1958*.

## SCHEDULE A

Education Department.....	\$ 3,292,000
Health Department.....	8,795,000
Highways Department.....	37,500,000
Municipal Affairs Department.....	5,000,000
Reform Institutions Department.....	35,000
Treasury Department.....	1,000,000
Municipal Affairs Department (Capital Payments).....	1,760,000
	<hr/>
	\$ 57,382,000
	<hr/>

## SCHEDULE B

Agriculture Department.....	\$ 15,015,000
Attorney-General's Department.....	19,154,000
Economics Department.....	334,000
Education Department.....	169,784,000
Health Department.....	73,458,000
Highways Department.....	215,322,000
Insurance Department.....	399,000
Labour Department.....	16,741,000
Lands and Forests Department.....	25,443,000
Lieutenant-Governor's Office.....	21,000
Mines Department.....	2,747,000
Municipal Affairs Department.....	30,586,000
Planning and Development Department.....	16,037,000
Prime Minister's Office.....	143,000
Provincial Auditor's Office.....	423,500
Provincial Secretary's Department.....	2,683,000
Public Welfare Department.....	47,229,000
Public Works Department.....	77,688,000
Reform Institutions Department.....	15,138,000
Transport Department.....	3,815,000
Travel and Publicity Department.....	1,470,000
Treasury Department.....	7,530,000
	<hr/>
	\$741,160,500
	<hr/>



CHAPTER 106

An Act to amend The Surrogate Courts Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 380, s. 10,  
re-enacted

10. The judge of the surrogate court of a county forming a county court district or a part thereof, before entering upon the duties of his office, shall take and subscribe the following oath before the judge who, in point of time, is senior in appointment to office in the county court district, or, where such judge is unable to officiate because of illness or otherwise, before a judge designated for the purpose by the Lieutenant-Governor in Council:

I, ....., do swear  
that I will, truly and faithfully, according to my  
skill and knowledge, execute the several duties,  
powers and trusts of judge of the Surrogate Court  
of the.....of.....  
So help me God.

2. Section 11 of *The Surrogate Courts Act* is amended by striking out "part of a county court district" in the second line and inserting in lieu thereof "a county court district or a part thereof", so that the section shall read as follows: R.S.O. 1950,  
c. 380, s. 11,  
amended

11. The judge of the surrogate court of a county forming a county court district or a part thereof may exercise and perform in any part of such district any power or duty assigned to the judge of a surrogate court by any statute of Ontario. Powers and  
duties in  
court  
district

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1958*. Short title





## CHAPTER 107

## The Surveys Act, 1958

*Assented to March 27th, 1958*

*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "ascertainable point" means a point found or re-established in its original position on a line or boundary established during the original survey or on a line or boundary established during the survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*; R.S.O. 1950, co. 197, 336
- (b) "broken concession" means a concession any boundary of which is broken in whole or in part by a lake or river;
- (c) "broken lot" means an irregular lot or a regular lot whose area is diminished or increased by a natural or artificial feature shown on the original plan;
- (d) "competent authority" means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land which was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made;
- (e) "concession" means a tier of township lots; *New*.
- (f) "Department" means Department of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (a).
- (g) "irregular lot" means a township lot whose boundaries according to the original plan do not conform

within

within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

- (h) "land" includes land covered with water;
- (i) "last ascertainable side line" means a line in a broken concession established from the front of the concession on the course of a side line of a lot from the lot corner nearest the end of the part of the concession so broken;
- (j) "lost corner" means a corner established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original post no longer exists or never existed and which cannot be re-established from the field notes of either of such surveys or by evidence under oath; *New*.
- (k) "Minister" means Minister of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (b).
- (l) "obliterated boundary" means a boundary established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original posts or blazed trees no longer exist and which cannot be re-established from the field notes of either of such surveys or by evidence under oath;
- (m) "original plan" means a plan certified by the Surveyor-General as being the original plan of an original survey;
- (n) "original post" means any object that defines a point and that was placed, planted or marked during the original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*;
- (o) "original survey" means a survey made under competent authority;
- (p) "proof line" means a line surveyed across one or more concessions in the original survey of a single front township or of a double front township to govern the course of a side line of a lot; *New*.
- (q) "regular lot" means a township lot whose boundaries according to the original plan conform within one degree to the bearings shown for the correspond-

R.S.O. 1950,  
cc. 197, 336

ing boundaries of the majority of the lots in the tier in which the lot occurs; R.S.O. 1950, c. 381, s. 1, cl. (d), *amended*.

- (r) "surveyor" means Ontario land surveyor registered under *The Land Surveyors Act*; R.S.O. 1950, c. 381, s. 1, cl. (c), *amended*. R.S.O. 1950,  
c. 196
- (s) "unbroken lot" means a regular lot whose area is not diminished or increased by a natural or artificial feature shown on the original plan; R.S.O. 1950, c. 381, s. 1, cl. (e), *amended*.
- (t) "undisputed corner" means a corner of a parcel of land at which the original post exists, or a corner established under this Act or any predecessor of this Act. R.S.O. 1950, c. 381, s. 1, cl. (f), *amended*.

## PART I

### GENERAL

**2.** No survey of land for the purpose of defining, locating or describing any line, boundary or corner of a parcel of land is valid unless made by a surveyor or under the personal supervision of a surveyor. R.S.O. 1950, c. 381, s. 2, *amended*. Validity  
of  
surveys

**3.** All lines, boundaries and corners established under the authority of any Act heretofore or hereafter in force remain valid and all other things done under any such authority and in conformity therewith remain valid notwithstanding the repeal of such authority. R.S.O. 1937, c. 232, s. 3, *amended*. Lines, etc.,  
remain  
valid

**4.—(1)** Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall keep a proper record and index of all such field notes and shall exhibit or give copies of the same to any surveyor for a reasonable charge. Duty to  
keep field  
notes, etc.

(2) Where a surveyor has died and no arrangements have been made within six months of his death to place his field notes, records and indices in the custody of a surveyor in active practice, the secretary-treasurer of the Association of Ontario Land Surveyors shall cause such field notes, records and indices to be delivered by the personal representative of the deceased surveyor to the Minister who shall hold them for the benefit of the estate for a period not exceeding five years, and upon the expiry of that period such field notes, records and indices become the property of the Crown and may be disposed of by the Minister in any manner he deems proper. Disposition  
of notes  
of  
deceased  
surveyor

To be  
deemed  
public  
documents

(3) So long as such field notes, records and indices are in the possession of the Minister, he shall exhibit or give copies of the same to any person for a reasonable charge. R.S.O. 1950, c. 381, s. 3, *amended*.

Chainman's  
oath

**5.** A surveyor may at any time require a chainman or any other person in his employ to take an oath in writing to act justly and exactly according to the best of his judgment and ability and to render a true account of his work to the surveyor, which oath the surveyor is hereby authorized to administer. R.S.O. 1950, c. 381, s. 5, *amended*.

Right to  
enter land,  
buildings

**6.—(1)** A surveyor or a person in his employ while making a survey may,

(a) at any time enter and pass over the land of any person; or

(b) at any time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the survey, but the surveyor is liable for any damage occasioned thereby. R.S.O. 1950, c. 381, s. 6 (1, 2), *amended*.

Penalty  
for  
obstructing

(2) Every person who interferes with or obstructs a surveyor or a person in his employ in the exercise of any of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 381, s. 6 (3), *amended*.

Examination  
under oath

**7.—(1)** A surveyor may examine under oath any person concerning a line, boundary, corner or post to assist him in ascertaining its true position.

Record of  
evidence

(2) The surveyor may cause the evidence so taken to be put in writing in the form of a statement under oath.

Subpoena

(3) Where the surveyor has reason to believe that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position or has a writing, plan or document concerning a line, boundary, corner or post and such person has refused to give the information or to produce the writing, plan or document to the surveyor while being examined under subsection 1, a judge of a county or district court, upon application of the surveyor, may order a subpoena to issue out of the court of which he is a judge commanding such person to appear before the surveyor at the time and place specified in the subpoena and to bring with him any writing, plan or document specified therein.



(4) The subpoena shall be served personally on the person named in it and he shall be tendered his reasonable expenses. Service of subpoena

(5) Every person who is served with a subpoena under this section and who has been tendered his reasonable expenses and who fails to appear before the surveyor in accordance with the subpoena or who fails to produce any writing, plan or document specified in the subpoena or to give such information as he has respecting the line, boundary, corner or post in question is guilty of contempt of the court out of which the subpoena issued. Penalty for failure to obey subpoena

(6) A surveyor may administer oaths for any of the purposes of this section. R.S.O. 1950, c. 381, ss. 7, 8, *amended*. Power to administer oaths

**8.** Every base line and meridian line surveyed under the instructions of the Minister before the 28th day of March, 1956, that are shown on the original plan thereof shall be deemed to have been made by competent authority and are true and unalterable and shall be deemed to be defined by the original posts or blazed trees in the survey thereof. *New*. True and unalterable base lines and meridian lines

**9.** Notwithstanding section 57, every line, boundary and corner established by an original survey and shown on the original plan thereof is a true and unalterable line, boundary or corner, as the case may be, and shall be deemed to be defined by the original posts or blazed trees in the original survey thereof, whether or not the actual measurements between the original posts are the same as shown on the original plan and field notes or mentioned or expressed in any grant or other instrument, and every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 9 (1, 2), *amended*. True and unalterable lines, etc.

**10.** A surveyor in establishing or re-establishing a line, boundary or corner surveyed under competent authority and shown on the original plan thereof, other than a township subdivision plan, shall be governed by sections 53 and 54. R.S.O. 1950, c. 381, s. 9 (3), *amended*. Methods governing plans, other than township subdivision plans

**11.—(1)** Where a lake or river is shown on an original plan of Crown lands and a parcel of land shown thereon is given an acreage covering the land area only, such parcel of land does not include any land covered by the water of the lake or river. Where land covered by water not included

(2) Subsection 1 does not affect the rights of any person where such rights were determined by a court before the 8th day of July, 1913. R.S.O. 1950, c. 381, s. 29 (4, 5), *amended*. Certain rights not affected



Lands in township concessions included in same grant

**12.** Where the Crown has conveyed a parcel of land composed of two or more township lots or parts of lots in concessions adjoining each other by an instrument that contains a metes and bounds description of the parcel prepared from an original plan, the side lines or limits of such lots or parts of lots surveyed in accordance with this Act or any predecessor of this Act constitute the side lines or limits of the parcel. R.S.O. 1950, c. 381, s. 31, *amended*.

## PART II

### FRONT AND REAR TOWNSHIPS

Interpretation

**13.**—(1) In this Part, “front and rear township” means a township where the usual practice in the original survey was to survey the township boundaries, the base lines, if any, and the side lines of the lots and to establish the corners of the lots. *New*.

Re-establishment of lost corners, etc.

(2) A surveyor in re-establishing a lost corner, an obliterated boundary or an obliterated side line of a lot in a front and rear township shall obtain the best evidence available respecting the corner, boundary or side line, but if the corner, boundary or side line cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister, who shall instruct him how to proceed. *New*.
- (b) If a part of the township boundary or a base line is obliterated, he shall re-establish the township boundary or the base line by joining the nearest ascertainable points thereof as intended in the original survey.
- (c) If a side line or part thereof is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey, and if an end of a side line is obliterated, he shall re-establish such end by measuring along the township boundary or base line in the manner in which such measurement was made as shown on the original plan and field notes.
- (d) If the lost corner is a corner of a lot, he shall determine the distance along the side line between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey. R.S.O. 1950, c. 381, s. 34 (1, 2), *part, amended*.

**14.** A boundary of a lot shown on the original plan of a <sup>Unsurveyed</sup> front and rear township that was not surveyed in the original <sup>boundaries</sup> survey is the straight line between the two corners of such lot. R.S.O. 1950, c. 381, s. 34 (1), *part, amended*.

**15.** The front of a concession in a front and rear township <sup>Fronts of</sup> is the boundary of the concession that is nearest the boundary <sup>concessions</sup> of the township from which the concessions therein are numbered or lettered, but in the case of a township in which the concessions are not numbered or lettered, the front of a concession is the boundary of the concession that is nearest the boundary of the township or the base line along which the width of the first lot was measured. *New*.

**16.—(1)** The aliquot part of a lot in a front and rear <sup>Aliquot</sup> township is the aliquot part of the area of the lot, whether <sup>parts of</sup> the area of the aliquot part as so determined is more or less <sup>lots</sup> than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

(2) The boundaries of an aliquot part of a lot in a front <sup>Boundaries</sup> and rear township, of which lot no aliquot part was surveyed <sup>of aliquot</sup> before the 1st day of January, 1959, shall be surveyed on the <sup>parts</sup> astronomic course intended in the original survey for the side lines of such lot or on the astronomic course intended for the base line of the township, as the case may be. *New*.

### PART III

#### SINGLE FRONT TOWNSHIPS

**17.—(1)** In this Part, “single front township” means a <sup>Interpre-</sup> township where the usual practice in the original survey was <sup>tation</sup> to survey the township boundaries, the proof lines and the base lines, if any, and the concession lines for the fronts of the concessions and to establish the lot corners on the front of each concession. *New*.

(2) A surveyor in re-establishing a lost corner or obliterated <sup>Re-establish-</sup> boundary in a single front township shall obtain the best <sup>ment of lost</sup> evidence available respecting the corner or boundary, but if <sup>corners, etc.</sup> the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.

(b)

- (b) If the lost corner is a corner of a lot on a township boundary or on the front of a concession, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-4), *part, amended.*
- (e) If the front line of a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on the front of a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along the front of the concession the distance shown on the original plan and field notes from the last undisputed corner. *New.*

Fronts of  
concessions

**18.** The front of a concession in a single front township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1950, c. 381, s. 24, *part, amended.*

Concession  
line not  
surveyed or  
obliterated

**19.** Where in a single front township the whole of the front boundary of a concession was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such front boundary in whole or in part shall establish or re-establish such boundary to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended.*

Concession  
not surveyed  
in original  
township,  
side lines  
established

**20.** Where the front of a concession in a single front township was not surveyed in the original survey, the side lines of the lots in such concession shall be surveyed from the corners

of the lots on the front of the concession to the rear thereof to the depth of the concession, that is, to the proportionate depth intended in the original survey as shown on the original plan and field notes having due regard for any road allowance made in the original survey, and the straight line joining the ends of the lot lines so surveyed is the boundary of such concession. R.S.O. 1950, c. 381, s. 24, *part, amended*.

**21.** A surveyor in establishing in a concession in a single front township a side line of a lot that was not surveyed in the original survey shall proceed as follows: <sup>Establishment of side lines</sup>

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the front boundary of the concession as shown on the original plan and field notes, or, if parts of the front boundary of the

concession



concession have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the front boundary of the concession as the Minister directs.

- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.
- (f) If the concession is wholly broken in front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots in the broken front concession, he shall establish the side lines in such broken front concession in accordance with this section from the corners of the lots on the front boundary of the concession in the rear thereof to the lake or river.
- (g) If the concession is partly broken in front at either end by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from the points on the rear boundary of the concession determined by dividing proportionately as intended in



the original survey the distance between the end of the concession and the intersection of the last ascertainable side line with the rear of the concession as shown on the original plan, but where such end of the concession is wholly bounded by a lake or river and no measurement was made in the original survey along the rear of the concession to the lake or river, he shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear boundary the widths of the lots as intended in the original survey from the intersection of the last ascertainable side line.

- (h) If the concession is partly broken in front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines on both sides of the lake or river with the rear boundary of the concession. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

**22.**—(1) The aliquot part of a lot in a single front town-<sup>Alliquot parts described</sup>ship is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended*.

(2) The boundaries of an aliquot part of a lot in a single<sup>Boundaries</sup> front township of which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the lot is broken on its front at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the front of the concession as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Governing  
course for  
side lines

**23.**—(1) A surveyor in establishing the course of a township boundary line or a proof line in a single front township for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the front and rear ends of the boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a single front township for the purpose of measuring an angle with such front to establish a side line of a lot shall determine the course of the straight line joining the ends of such front, but where the front of the concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

## PART IV

### DOUBLE FRONT TOWNSHIPS

Interpre-  
tation

**24.**—(1) In this Part, “double front township” means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and base lines, if any, and the concession lines forming the front boundaries of the half lots and to establish the front corners of the half lots. *New*.

Re-estab-  
lishment  
of lost  
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a double front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a lot on a township boundary or on a concession line, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the

opposite

opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-5), *amended*.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.
- (e) If the concession line forming the front boundary of the half lots in a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on a concession line forming the front boundary of the half lots in a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along such concession line the distance shown on the original plan and field notes from the last undisputed corner. *New*.

**25.** The front boundary of a half lot in a double front township is the boundary of the half lot that abuts the road allowance between two concessions made in the original survey, or, where a concession is broken by a lake or river, the front boundary of a half lot is the original shore of the lake or river opposite the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.

**26.** Where in a double front township the whole of the concession line forming the front boundary of the half lots was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such concession line in whole or in part shall establish or re-establish such concession line to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended*.

Establish-  
ment of rear  
boundaries

**27.** A surveyor in establishing the rear boundaries of half lots in a concession in a double front township shall proceed as follows without reference to the description contained in any grant or other instrument:

- (a) If the concession is unbroken on both fronts by a lake or river, he shall join by straight lines the midway points of the side lines of the lots and their production through the concession. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.
- (b) If the concession is broken on either or both fronts by a lake or river but the fronts of the concession are not wholly broken at either or both ends, he shall join by a straight line the midway points of the last ascertainable side line and its production through the concession at each end of the broken front.
- (c) If the concession is wholly broken on both fronts at either end of the concession by a lake or river but not broken on both fronts throughout the entire concession, he shall establish the midway point of the last ascertainable side line and its production through the concession and from this point he shall establish the rear boundary of the half lots on both fronts of the concession on the astronomic course intended in the original survey.
- (d) If the concession is broken at its end on one of the fronts of the half lots by a lake or river but not so broken on the rear boundaries of such half lots, he shall establish the midway point of the last ascertainable side line of the half lots so broken and its production through the concession and from such midway point join a straight line to a point on the township boundary determined by measuring along that boundary the distance intended in the original survey from the unbroken front of the concession. *New*.

Establish-  
ment of  
side lines

**28.** A surveyor in establishing in a concession in a double front township a side line of a half lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line



- on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at that end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the concession line as shown on the original plan and field notes, or, if parts of the concession line have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the concession line as the Minister directs.
- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he

shall



shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

- (f) If the concession is wholly broken on one front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the half lots, he shall establish the side lines of the broken half lots according to this section from the rear corners of the half lots on the unbroken front of the concession.
- (g) If the concession is wholly broken on both fronts at either end by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by measuring along the rear boundaries of the half lots the widths of the half lots as intended in the original survey from the intersections of the last ascertainable side lines of the half lots with the rear boundaries of the half lots.
- (h) If the concession is partly broken on one front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the banks of the lake or river to regulate the width in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines of the half lots on both sides of the lake or river with the rear boundaries of the half lots.
- (i) If the concession is partly broken on either front at either end but not broken at the end of the rear

boundary

boundary of the half lots by a lake or river and no posts were planted in the original survey on the banks of such lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the last ascertainable side line of the half lot on the front of the concession so broken.

- (j) If the concession is partly broken on either front at either end by a lake or river and also broken at the end of the rear boundary of the half lots and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of the broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by measuring along such rear boundary the widths of the broken half lots as intended in the original survey from the intersection of the last ascertainable side line of the half lot on the front of the concession so broken. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

**29.**—(1) The aliquot part of a half lot in a double front township is the aliquot part of the area of the half lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

(2) The boundaries of an aliquot part of a half lot in a double front township of which half lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the half lot, as the case may be, but where in such latter case the front of the half lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the half lot, and where the rear boundary of the half lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the half lot as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended in the original survey for the front of the half lot. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Governing  
course for  
side lines

**30.**—(1) A surveyor in establishing the course of a township boundary line or a proof line in a double front township for the purpose of surveying a side line of a half lot shall determine the course of the straight line joining the front and rear ends of such boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a double front township for the purpose of measuring an angle with such front to establish a side line of a half lot shall determine the course of the straight line joining the ends of such front, but where the front of a concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

## PART V

### SECTIONAL TOWNSHIPS WITH DOUBLE FRONTS

Interpre-  
tation

**31.**—(1) In this Part, “sectional township with double fronts” means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of sections defining section boundaries and to establish the front corners of the lots and the section corners. *New*.

Re-es-  
tab-  
lishment  
of lost  
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with double fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

(c)

- (c) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (d) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes not as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not on a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections



tions are lost, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section on opposite sides of the concession line.

- (f) If the lost corner is the corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not in a straight line, and the side lines between such sections and adjacent sections on the opposite sides of the concession line are shown on the original plan and field notes as not in a straight line and the section corners of the adjacent sections on the concession line are lost, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on a front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance, opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.
- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-5), 30, *amended*.

(j)



(j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New.*

(3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any Application corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

**32.** The front of a concession in a sectional township with double fronts is the boundary of the concession that abuts the road allowance between two concessions shown on the original plan or, where a concession is broken by a lake or river, that is nearest the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 27, *part, amended.* Fronts of concessions

**33.** A surveyor in establishing the rear boundary of a concession in a sectional township with double fronts shall proceed as follows: Establishment of rear boundaries of concessions

(a) If the two concessions in a section are unbroken by a lake or river on their fronts, he shall, if intended in the original survey, join by straight lines the midway points of the side lines of the lots and their productions through the section.

(b) If the two concessions in a section are broken by a lake or river on either or both of their fronts but the fronts of the two concessions are not wholly broken at either or both ends of the section, he shall, if intended in the original survey, join by a straight line the midway points between the fronts of the two concessions on the last ascertainable side line in the section at each end of the broken front.

(c) If one of the concessions in a section is broken by a lake or river on its front at either or both ends of the section but not broken through the entire section, he shall join by a straight line a point on the broken side line of the section determined by

measuring

measuring the distance shown on the original plan and field notes from the unbroken front and the midway point between the fronts of the two concessions on the last ascertainable side line in the section at the end of the broken front.

- (d) If one of the concessions in a section is wholly broken by a lake or river on its front, he shall measure the distance shown on the original plan and field notes along the side lines of the lots from the front of the unbroken concession.
- (e) If one of the concessions in a section is partly or wholly broken by a lake or river on its front and at either or both ends of the section and the other concession in the section is partly or wholly broken by a lake or river at either or both ends of the section and partly broken on its front, he shall establish the rear boundary of the concessions so broken on their fronts on the astronomic course intended in the original survey from a point determined by measuring the distance shown on the original plan and field notes from the unbroken part of the front of such concession along the last ascertainable side line in that concession at the end of the broken front.
- (f) If both concessions in a section are wholly broken by a lake or river on their fronts and no posts were planted in the original survey to establish the rear boundaries of such concessions, he shall establish the rear boundary of such concessions on the astronomic course intended in the original survey from a point established on the limit of the section nearest the end from which the lots are numbered midway between the section corners. *New.*

Establish-  
ment of  
side lines

**34.** A surveyor in establishing in a concession in a sectional township with double fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) Where any such township was surveyed under the 1,000-acre or 1,800-acre sectional system and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course

shown

shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

- (b) Where any such township was surveyed under any sectional system other than the 1,000-acre or 1,800-acre sectional system and if it was intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes. R.S.O. 1950, c. 381, s. 22 (1, 2), *amended*.
- (c) If the fronts of either or both concessions in a section are partly or wholly broken by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of such broken lots in accordance with this section from points on the section limit fronting each concession determined by dividing proportionately as intended in the original survey the distance between the two nearest undisputed lot corners in the section, one being on either side of the side line of the broken lot to be established. R.S.O. 1950, c. 381, s. 19 (1), *amended*.
- (d) If one of the concessions in a section is wholly broken by a lake or river on its front and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of

the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such a concession in accordance with this section from the rear corners of the lots in the concession to the rear thereof.

- (e) If both concessions in a section are wholly broken by a lake or river on their fronts and wholly broken at one end of the section and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such concessions in accordance with this section from points on the rear concession line determined by measuring along the rear concession line the distance intended in the original survey from the section limit at the end of the section that is not wholly broken.
- (f) If one of the concessions in a section is broken at either end but not wholly broken on its front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of any such broken lot in accordance with this section from the rear corners of the lots of the concession to the rear.
- (g) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New.*



**35.**—(1) Where the whole or a part of any lot in a sectional township with double fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. <sup>Aliquot parts</sup>

(2) Where the whole or a part of a broken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. <sup>Idem</sup>

(3) Where the whole or a part of an unbroken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. <sup>Idem</sup>

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended in the original survey for the front of the concession. <sup>Boundaries of aliquot parts</sup>

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1-3), *amended*. <sup>Idem</sup>



Governing  
course for  
side lines

**36.** A surveyor in establishing the course of a boundary line of a section in a sectional township with double fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*.

## PART VI

### SECTIONAL TOWNSHIPS WITH SINGLE FRONTS

Interpre-  
tation

**37.—**(1) In this Part, "sectional township with single fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of the sections and to establish the front corners of the lots and the section corners. *New*.

Re-es-  
tab-  
lishment  
of lost  
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with single fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.
- (c) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart,

he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.

- (d) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession are shown on the original plan and field notes not as a straight line, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section.
- (f) If the lost corner is the corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite sides of the concession line are shown on the original plan and field notes not as a straight line, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on the front of a concession, he shall determine the distance between the two nearest undisputed corners

in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-4), 30, *amended*.
- (j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.
- (k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New*.

Application (3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

Fronts of concessions **38.** The front of a concession in a sectional township with single fronts is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. *New*.

Establishment of side lines **39.** A surveyor in establishing in a concession in a sectional township with single fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the astronomic course for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, but where the side line of such section

is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course of the side line of the section at the other end of such section, but where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course shown on the original plan and field notes.

- (b) If the front of a concession in a section is partly or wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from a point on the section limit fronting the concession determined by dividing proportionately as intended in the original survey the distance between the corners of the section.
- (c) If the front of a concession in a section is wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from the front corner of the lots in the concession to the rear thereof. R.S.O. 1950, c. 381, ss. 19 (1), 22 (1), 25 (1), *amended*.
- (d) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots and the original field notes do not show that a survey line was run in the original survey to regulate the widths in front of the broken lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New*.



Aliquot  
parts

**40.**—(1) Where the whole or a part of any lot in a sectional township with single fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Idem

(2) Where the whole or a part of a broken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Boundaries  
of aliquot  
parts

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended in the original survey for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Idem

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of



the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

**41.** A surveyor in establishing the course of a boundary line of a section in a sectional township with single fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*. Governing  
course for  
side lines

## PART VII

### SECTIONAL TOWNSHIPS WITH SECTIONS AND QUARTER SECTIONS

**42.** In this Part, "sectional township with sections and quarter sections" means, Interpre-  
tation

- (a) a township divided into sections and quarter sections without road allowances between sections where the usual practice in the original survey was to survey the township boundaries and section lines and to establish the section corners and quarter section corners; or
- (b) a township divided into sections and quarter sections with road allowances between sections where the usual practice in the original survey was to survey the township boundaries and the section lines on the west and south sides of the road allowances and to establish the section corners and the quarter section corners on the surveyed lines. *New.*

**43.—(1)** Every road allowance between sections of sectional townships surveyed under instructions of the Department of Interior of Canada is one chain wide and every such road allowance lies north and east of the south and west sides of the road allowance as surveyed in the original survey. R.S.O. 1950, c. 381, s. 32 (2), *amended*. Widths of  
certain road  
allowances

(2) The strips of land formerly forming parts of the original road allowances mentioned in subsection 1 are detached therefrom and attached to and form part of the quarter section immediately adjoining the strips of land on the east and north thereof. R.S.O. 1950, c. 381, s. 32 (3), *amended*. Land  
detached  
from  
original  
road  
allowances

(3) The section and quarter section corners established in the original survey of the townships mentioned in subsection 1 continue to be the governing points for the purpose of Original  
section  
and quarter  
section  
posts to  
govern

re-establishing

re-establishing a lost corner or obliterated boundary of a section or quarter section and establishing section and quarter section corners not established in the original survey. R.S.O. 1950, c. 381, s. 32 (4), *amended*.

Re-establishment of lost corners and obliterated boundaries

**44.—(1)** A surveyor in re-establishing a lost corner or obliterated boundary surveyed in the original survey in a sectional township with sections and quarter sections with or without road allowances shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (b) If the lost corner is a corner of a section or quarter section on or along a township boundary, he shall determine the distance between the nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If the lost corner is a corner of a section on a section boundary in the interior of a township, he shall re-establish the corner by intersecting the straight lines joining the nearest ascertainable points on the adjoining intersecting section boundaries.
- (d) If the lost corner is a corner of a quarter section on a section boundary in the interior of a township, he shall re-establish the corner by joining the nearest ascertainable points on the section boundary and shall determine the distance between the section corners of the section in which the quarter section corner is lost and divide the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (e) If part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (f) If a part of a section boundary in the interior of a township is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (2, 4), 33, *part, amended*.

(2) A surveyor in establishing an original section line on the north or east side of a road allowance in a township defined in clause *b* of section 42 shall measure the width of the road allowance shown on the original plan and field notes from the section line on the south or west side, as the case may be, of the road allowance. *New.*

**45.** A surveyor in establishing a corner of a section or quarter section shown on the original plan and field notes on a section line not surveyed in the original survey in a township defined in clause *b* of section 42 shall proceed as follows:

- (a) If the corner is a corner of a section, he shall measure the widths of the road allowances shown on the original plan and field notes from the two section corners of the adjacent sections on the opposite sides of the road allowances.
- (b) If the corner is a corner of a quarter section, he shall measure the width of the road allowance as shown on the original plan and field notes from the opposite quarter section corner on the other side of the road allowance and join a straight line between that quarter section corner and the opposite quarter section corner on the section line at the other side of the section. *New.*

**46.** The interior boundaries of half sections or quarter sections shall be surveyed by connecting the opposite quarter section corners on the boundaries of the section by straight lines. R.S.O. 1950, c. 381, s. 33, cl. (e), *amended.*

**47.—(1)** The aliquot part of a quarter section in a sectional township with sections and quarter sections is the aliquot part of the frontage or the depth between the quarter section corners whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

(2) The aliquot part of a half section in a sectional township with sections and quarter sections is the aliquot part of the frontage or depth between the quarter section corners of the quarter sections forming the half section whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. *New.*

(3) The interior boundaries of an aliquot part of a quarter section shall be surveyed by connecting by straight lines the points on the boundaries of the quarter section determined in accordance with this section. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

## PART VIII

## MUNICIPAL AND CROWN RE-SURVEYS

Application  
for survey  
in a muni-  
cipality

48.—(1) The council of a municipality or the board of trustees of an improvement district, upon its own motion, may, or upon the petition of one-half of the landowners affected shall, pass a by-law authorizing an application to the Minister to cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that is in the municipality and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act*. R.S.O. 1950, c. 381, ss. 13, 14 (1), 15 (1), *amended*.

R.S.O. 1950,  
cc. 197, 336

Confirma-  
tion of  
survey

(2) The Minister shall appoint and instruct a surveyor to make the survey for which an application has been made under subsection 1 and when the survey has been made and the plan and field notes have been examined by the Minister, the Minister shall cause a notice to be published once in each week for four consecutive weeks in a newspaper having general circulation in the municipality in which the survey has been made of a hearing to be held by him at a stated place on a day not fewer than ten days after the last publication of the notice at which hearing the survey will be considered and any interested persons will be heard, and upon the evidence submitted the Minister may direct such amendments to be made as he deems necessary and may confirm the position of the disputed or lost line, boundary or corner fixed by the survey, and any line, boundary or corner so confirmed is an unalterable line, boundary or corner and is final and conclusive and shall not be questioned in any court. R.S.O. 1950, c. 381, s. 16 (1), *amended*.

Cost of  
survey

(3) Subject to section 50, the cost of a survey under subsection 2 shall be paid to the surveyor making the survey by the municipality making the application therefor upon notice in writing by the Minister to the municipality that the survey has been made, and the municipality may levy all or any part of such cost on the landowners affected by the survey in proportion to the benefit received as determined by by-law of the municipality and collect the same as taxes. R.S.O. 1950, c. 381, ss. 14 (2, 3), 17 (1), *amended*.

Filing of  
plans and  
field notes

(4) A copy of the plan and field notes of a survey confirmed under subsection 2 shall be registered by the Minister with the proper master of titles or registrar of deeds and another copy with the clerk of the municipality that made the application under subsection 1. R.S.O. 1950, c. 381, s. 16 (2), *amended*.



**49.**—(1) The Minister upon the application of an owner or owners of land that is situate in territory without municipal organization and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act* may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner.

Application for survey in unorganized territory  
R.S.O. 1950, cc. 197, 336

(2) Subject to section 50, the cost of a survey under subsection 1 shall be paid by the owner or owners making application therefor upon notice by the Minister that the survey has been made.

Cost of survey

(3) Subsections 2 and 4 of section 48 apply *mutatis mutandis* to a survey made under this section. R.S.O. 1950, c. 381, s. 20, *amended*.

Confirmation of survey

**50.** The Minister may pay all or any part of the cost of a survey under section 48 or 49 out of the moneys that are appropriated by the Legislature for ground surveys. R.S.O. 1950, c. 381, s. 17 (2), *amended*.

Cost of survey may be paid by Province

**51.**—(1) The Minister may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that was surveyed under competent authority, and in any such case the Minister may direct that subsections 2 and 4 of sections 48 apply *mutatis mutandis*.

Crown re-survey

(2) Where a survey similar to a survey under subsection 1 was made under the instructions of the Minister before the 1st day of June, 1947, the Minister may, upon compliance with the requirements as to publication of notice and the holding of a hearing set forth in subsection 2 of section 48, confirm the survey and such confirmation has the like force and effect as a confirmation under the said subsection. R.S.O. 1950, c. 381, s. 18, *amended*.

Confirmation of Crown re-surveys

## PART IX

### PLANS OF SUBDIVISION

**52.** In this Part, "plan of subdivision" means a plan of subdivision that is registered under *The Land Titles Act* or under *The Registry Act*. *New*.

Interpretation

**53.** Every line, boundary and corner established by survey and shown on a plan of subdivision is a true and unalterable line, boundary or corner, as the case may be, with respect to such plan and shall be deemed to be defined by the original

True and unalterable line, boundary and corner



posts or blazed trees in the first survey thereof, whether or not the actual measurements between the original posts are the same as shown on the plan of subdivision or expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 11 (1), *amended*.

Re-establishment  
of lost  
corners,  
etc.

**54.** A surveyor in re-establishing a line, boundary or corner shown on a plan of subdivision shall obtain the best evidence available respecting the line, boundary or corner, but if the line, boundary or corner cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If a part of a line or boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner shown on the plan of subdivision.
- (b) If a corner on a line or boundary is lost, he shall re-establish it by the method that accords with the intent of the survey as shown on the plan of subdivision and, if it is consistent with the intent of the survey as shown on the plan of subdivision, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as shown on the plan of subdivision having due regard for any road allowance, highway, street, lane, walk or common shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 11 (3), *amended*.

Survey  
posts,  
monuments,  
etc.

**55.—**(1) Every exterior angle of a parcel of land being subdivided and one angle of each street intersection being laid out shall be defined in the survey thereof by,

- (a) an iron bar one inch square and four feet long driven into the ground so that the top is flush with the ground level, which bar shall be known as a standard iron bar and may be designated by the initials S.I.B.; or
- (b) a stone or reinforced concrete monument five inches square at the top, eight inches square at the base and not less than three feet six inches in length planted so that the top is flush with the ground level; or
- (c) in the case of exposed solid rock, an iron bolt one inch square and three inches long cemented or leaded into the rock so that the top is flush with the rock level,

but

but where the nature of the location is such that it is impracticable to comply fully with this subsection, the angle shall be defined in a manner that represents substantial compliance therewith. R.S.O. 1950, c. 381, s. 12 (1, 3), *amended*.

(2) The position, type and form of every bar, monument <sup>Idem</sup> and bolt driven, planted or set in accordance with subsection 1 shall be shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 12 (4), *amended*.

(3) Every bearing shown on a plan of subdivision shall <sup>Bearings</sup> be referred to one reference line designated on the plan and the course of such reference line shall be the true bearing and shall be determined by astronomic observation or other satisfactory method. R.S.O. 1950, c. 381, s. 12 (2), *amended*.

**56.**—(1) Subject to *The Land Titles Act* or *The Registry* <sup>Public roads, etc.</sup> *Act* as to the amendment or alteration of plans, every road allowance, highway, street, lane, walk and common shown on <sup>R.S.O. 1950, cc. 197, 336</sup> a plan of subdivision shall be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 11 (2), *amended*.

(2) Where under subsection 1 a road allowance, highway, <sup>Road allowance closed</sup> street, lane or walk in a municipality is a public highway but the municipality has not assumed it for public use and it or any part of it is closed by an alteration of the plan under *The Land Titles Act*, *The Registry Act* or other provisions in that behalf, it or the part of it so closed belongs to the owners of the land abutting thereon. R.S.O. 1950, c. 381, s. 11 (4), *amended*.

(3) Where several parcels of land having different owners <sup>Different owners</sup> abut on the road allowance, highway, street, lane or walk or the part thereof so closed, the owner of each parcel is entitled to the part so closed on which his land abuts to the middle line of the road allowance, highway, street, lane or walk or the part thereof so closed. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

(4) Where a part of the road allowance, highway, street, <sup>Where public way abuts</sup> lane or walk so closed is abutted on one side by another road allowance, highway, street, lane or walk or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part belongs to the owners whose lands abut thereon opposite the road allowance, highway, street, lane, walk, stream, river or other body of water. R.S.O. 1950, c. 381, s. 11 (6), *amended*.

Side  
lines

(5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed or across the same in cases coming within subsection 4 is the division line between the parts so closed to which the owners of the parcels are respectively entitled. R.S.O. 1950, c. 381, s. 11 (7), *amended*.

Several  
owners

(6) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is owned by more than one person, each such owner is entitled to the like estate or interest in the part so closed as he has in the parcel abutting thereon. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

Where  
parcel  
encumbered

(7) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is encumbered, the encumbrance extends to and includes the part thereof to which the owner of such parcel becomes entitled under this section. R.S.O. 1950, c. 381, s. 11 (8), *amended*.

Duty to  
convey

(8) Where a road allowance, highway, street, lane or walk is so closed, the municipality in which the same was vested shall execute a conveyance to each owner of the part that belongs to him under this section, and the municipality shall register the conveyance in the proper land titles or registry office and shall bear the cost of preparing and registering it. R.S.O. 1950, c. 381, s. 11 (9, 10), *amended*.

## PART X

### SURVEYS OF LAND UNDER THE HIGHWAY IMPROVEMENT ACT

True and  
unalterable  
boundaries

1957, c. 43

**57.** All posts and monuments heretofore or hereafter marked, placed or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under *The Highway Improvement Act, 1957* or a predecessor thereof are true and unalterable and fix the boundaries of such parcel, whether or not the actual measurements between the posts or monuments are the same as shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel and whether or not such parcel remains vested in the Crown. 1957, c. 120, s. 2, *amended*.

## PART XI

## PART XI

## MISCELLANEOUS

**58.** The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended.* Aliquot parts of parcels

**59.** The Minister may assign any of the powers or duties conferred or imposed upon him by this Act to the Surveyor General. *New.* Delegation of Minister's powers

**60.** The Lieutenant-Governor in Council may make regulations prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them. *New.* Regulations

**61.** Section 3 of *The Surveys Act*, being chapter 232 of the Revised Statutes of Ontario, 1937, *The Surveys Act*, being chapter 381 of the Revised Statutes of Ontario, 1950, and *The Surveys Amendment Act, 1957* are repealed. R.S.O. 1937, c. 232, s. 3; R.S.O. 1950, c. 381; 1957, c. 120, repealed

**62.** This Act comes into force on the 1st day of January, 1959. Commencement

**63.** This Act may be cited as *The Surveys Act, 1958.* Short title





## CHAPTER 108

**An Act respecting the Road Allowance  
between Lots 15 and 16 in Concession VIII  
of the Township of Tay**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding *The Surveys Act*, it is hereby declared that there is and always has been a road allowance one chain in width between Lots 15 and 16 in Concession VIII of the Township of Tay in the County of Simcoe and that the southerly boundary thereof is and always has been a straight line drawn on the astronomic course of the southerly boundary of the township at the end of the concession. Road allowance,  
Tay Twp.  
R.S.O. 1950,  
c. 381

**2.** Notwithstanding *The Surveys Act*, it is hereby declared that the width of Lot 15 in Concession VIII of the Township of Tay in the County of Simcoe is and always has been thirty chains measured along the westerly limit of the lot and the northerly prolongation thereof. Width of  
Lot 15,  
Tay Twp.  
Con. VIII,  
Tay Twp.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Township of Tay Road Allowance Act, 1958*. Short title



## CHAPTER 109

## An Act to amend The Teachers' Superannuation Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 384, s. 17,  
subs. 3,  
re-enacted

(3) In this section, "salary" means the yearly salary specified in the contract of employment between the person and his board and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. Interpre-  
tation

**2.** Subsection 1 of section 57 of *The Teachers' Superannuation Act*, as amended by subsections 1 and 2 of section 2 of *The Teachers' Superannuation Amendment Act, 1951*, subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, section 5 of *The Teachers' Superannuation Amendment Act, 1954* and section 7 of *The Teachers' Superannuation Amendment Act, 1957*, is further amended by adding thereto the following clauses: R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

(ppp) prescribing the conditions under which credit may be given under the Act for teaching music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject for fewer than twenty hours per week before the 1st day of September, 1957, and prescribing the method of determining the period for which such credit may be given and the amount thereof;

(pppp) prescribing the conditions under which credit for past teaching service in a designated private school may be given under the Act to persons who contribute to the fund under any provision of the Act

other

other than section 16*a*, and prescribing the method of determining the period for which such credit may be given and the amount thereof.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1958*.

## CHAPTER 110

**An Act to amend The Telephone Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 91 of *The Telephone Act, 1954* is amended by adding thereto the following subsection: 1954, c. 94,  
s. 91,  
amended

(3) The members shall receive such remuneration and expenses as the Lieutenant-Governor in Council may determine. Remunera-  
tion

**2.** Section 93 of *The Telephone Act, 1954* is amended by striking out "Two" in the first line and inserting in lieu thereof "A majority of the", so that the section shall read as follows: 1954, c. 94,  
s. 93,  
amended

93. A majority of the members of the Authority shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Authority. Quorum

**3.** Section 95 of *The Telephone Act, 1954* is repealed and the following substituted therefor: 1954, c. 94,  
s. 95,  
re-enacted

95. The Lieutenant-Governor in Council may appoint a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Authority. Staff

**4.** This Act may be cited as *The Telephone Amendment Act, 1958*. Short title  
Act, 1958.





## CHAPTER 111

## An Act to amend The Tile Drainage Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 9 of *The Tile Drainage Act* is amended by R.S.O. 1950, striking out "\$3,000,000" in the third line and inserting in c. 392, s. 9, amended lieu thereof "\$5,000,000", so that the section shall read as follows:

9. The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund not exceeding in the whole at any time \$5,000,000 in the purchase of debentures issued under such by-laws in respect of which the Treasurer of Ontario has certified to the propriety of the investment. Purchase of debentures out of Consolidated Revenue Fund

**2.** This Act may be cited as *The Tile Drainage Amendment Act, 1958*. Short title



CHAPTER 112

The Time Act, 1958

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Where an expression of time occurs in any Act, proc-  
lamation, regulation, order in council, rule, order, by-law,  
agreement, deed or other instrument, heretofore or hereafter  
enacted, made or executed, or where any hour or other point  
in time is stated either orally or in writing, or any question  
as to time arises, the time referred to or intended shall, unless  
it is otherwise specifically stated, be held to be time reckoned  
as standard time. R.S.O. 1950, c. 90, s. 1 (1), *amended*.  
Meaning of  
expressions  
of time

**2.**—(1) Standard time in the part of Ontario that lies  
east of the meridian of 90°W. longitude shall be reckoned as  
five hours behind Greenwich time.  
Standard  
time east  
of 90°W.  
longitude

(2) Standard time in the part of Ontario that lies west of  
the meridian of 90°W. longitude shall be reckoned as six  
hours behind Greenwich time.  
West of  
that  
meridian

(3) The Lieutenant-Governor in Council may make regu-  
lations varying the reckoning of standard time as fixed by  
subsection 1 or 2. R.S.O. 1950, c. 90, s. 1 (2-4), *amended*.  
Power  
to vary

**3.** *The Definition of Time Act* is repealed.  
R.S.O. 1950,  
c. 90,  
repealed

**4.** This Act may be cited as *The Time Act, 1958*.  
Short title





## CHAPTER 113

**An Act to provide for the  
Charging of Tolls on Certain Bridges**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-  
tation

**1.** In this Act,

- (a) "Minister" means Minister of Highways or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (b) "toll bridge" means a bridge designated under section 2;
- (c) "vehicle" means motor vehicle, motorcycle, trailer, traction-engine, farm tractor or road-building machine and includes any other vehicle drawn, propelled or driven by other than muscular power.

**2.** The Lieutenant-Governor in Council may designate the Skyway over the Burlington Canal, the Fort Frances Causeway, any bridge over or tunnel under the Welland Canal or any international bridge or tunnel as a toll bridge.

Designation  
as toll  
bridge

**3.—(1)** No person shall take or operate a vehicle, other than a vehicle exempted from this Act, upon a toll bridge without paying the toll prescribed for such vehicle.

User of  
toll bridge  
to pay  
tolls

**(2)** Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$5 and not more than \$10, and for a second or subsequent offence to a fine of not less than \$10 and not more than \$50.

Offence  
and  
penalty

**4.** The Lieutenant-Governor in Council may make regulations,

Regulations

- (a) prescribing classes of vehicles for the purposes of this Act;

(b)

- (b) exempting any class of vehicles from this Act;
- (c) prescribing the toll to be paid for any vehicle or class of vehicle taken or operated upon any toll bridge or different tolls for different toll bridges;
- (d) providing for the collection of tolls and the disposition thereof;
- (e) establishing authorities to manage toll bridges either alone or in conjunction with any Canadian or foreign authority;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Agreements  
re inter-  
national  
bridges  
and  
tunnels

**5.** The Minister may on behalf of Her Majesty in right of Ontario enter into agreements with any Canadian or foreign authority for the joint financing, construction or operation of any international bridge or tunnel and for any matter incidental thereto.

Short title

**6.** This Act may be cited as *The Toll Bridges Act, 1958*.

## CHAPTER 114

# An Act to amend The Tourist Establishments Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Tourist Establishments Act*,<sup>R.S.O. 1950, c. 393, s. 1,</sup> as amended by section 1 of *The Tourist Establishments Amendment Act, 1952*, is repealed and the following substituted<sup>cl. d, re-enacted</sup> therefor:

(*d*) "tourist establishment" means any premises operated for the accommodation of the travelling or vacationing public and includes tourist outfitters' camps, but does not include,

(i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act, 1956*, or<sup>1956, c. 6</sup>

(ii) a summer camp within the meaning of the regulations made under *The Public Health Act*;<sup>R.S.O. 1950, c. 306</sup>

(*e*) "tourist outfitter's camp" means a place of business at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

2.—(1) Clause *a* of subsection 1 of section 2 of *The Tourist Establishments Act* is amended by striking out "defining and",<sup>R.S.O. 1950, c. 393, s. 2, subs. 1, cl. b</sup> so that the clause shall read as follows:<sup>(1952, c. 107, s. 2), amended</sup>

(*a*) classifying tourist establishments.

(2) Clause *b* of subsection 1 of the said section 2, as re-enacted by section 2 of *The Tourist Establishments Amendment Act, 1952*, is amended by striking out "except tourist outfitters' camps under *The Game and Fisheries Act*" in the second and third lines, so that the clause shall read as follows:<sup>R.S.O. 1950, c. 393, s. 2, subs. 1, cl. b (1952, c. 107, s. 2), amended</sup>

- (b) providing for the licensing of tourist establishments and the issue, form, renewal, transfer, refusal, suspension or cancellation of such licences and prescribing the fees payable for such licences and renewals thereof.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**4.** This Act may be cited as *The Tourist Establishments Amendment Act, 1958*.

## CHAPTER 115

**An Act to repeal The Town Sites Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Town Sites Act* is repealed. R.S.O. 1950,  
c. 394,  
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 3.** This Act may be cited as *The Town Sites Repeal Act*, Short title  
1958.





## CHAPTER 116

## An Act to amend The Training Schools Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 5 of *The Training Schools Act* <sup>R.S.O. 1950, c. 396, s. 5, subs. 7, amended</sup> is amended by inserting after "Board" in the first line "other than the chairman", so that the subsection shall read as follows:

- (7) The members of the Board, other than the chairman, <sup>Allowance to members of Board</sup> shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

2. This Act may be cited as *The Training Schools Amendment Act, 1958*. <sup>Short title</sup>



CHAPTER 117

An Act to repeal The Travelling Shows Act

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Travelling Shows Act, The Travelling Shows Amendment Act, 1953 and The Travelling Shows Amendment Act, 1954* are repealed. R.S.O. 1950, c. 398; 1953, c. 105; 1954, c. 97, repealed
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Travelling Shows Repeal Act, 1958*. Short title





## CHAPTER 118

**An Act to amend  
The Trench Excavators Protection Act, 1954**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of section 1 of *The Trench Excavators Protection Act, 1954* is repealed and the following substituted therefor: 1954, c. 99,  
s. 1, cl. *c*,  
re-enacted

- (*c*) "trench" means any excavation in the ground where the vertical dimension from the highest point of the excavation to a point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation.

**2.** Section 2 of *The Trench Excavators Protection Act, 1954*, 1954, c. 99,  
s. 2,  
amended as amended by section 1 of *The Trench Excavators Protection Amendment Act, 1955*, is further amended by adding thereto the following clauses:

- (*e*) to a cutting for the right-of-way of a highway or railroad;
- (*f*) to an excavation that comes within the regulations made under section 10 of *The Department of Labour Act*; R.S.O. 1950,  
c. 95
- (*g*) to an excavation made for the burial of a deceased person.

**3.** Section 7 of *The Trench Excavators Protection Act, 1954* 1954, c. 99,  
s. 7,  
re-enacted is repealed and the following substituted therefor:

7. It is the duty of the owner of the land in which a trench is being excavated or, if the work on the trench is being done by a contractor, it is the duty of the contractor, Duties of  
owner or  
contractor

- (*a*) to ensure that this Act and the regulations are complied with;

(*b*)

(b) at least once in each eight-hour period that a person is working in or near a trench to cause to be inspected by a person well experienced in such work,

(i) the condition of the trench,

(ii) the shoring and timbering provided for the safety of any person in or near the trench,

(iii) the soil or rock piled and equipment stored or used in or near the trench, and

(iv) the fences, ladders and other things provided for the safety of any person in or near the trench,

and the person making such inspection shall forthwith take any remedial action that he deems necessary to protect the safety of any person in or near the trench.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Trench Excavators Protection Amendment Act, 1958*.

## CHAPTER 119

**An Act to amend  
The University of Toronto Act, 1947**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 17 of *The University of Toronto Act, 1947*, as 1947, c. 112, amended by section 1 of *The University of Toronto Amendment Act, 1953*, is repealed and the following substituted therefor:

17. The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and thirty-two persons appointed by the Lieutenant-Governor in Council.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The University of Toronto Amendment Act, 1958*.



## CHAPTER 120

**An Act to amend  
The Upper Canada College Act**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 13 of *The Upper Canada College Act* is repealed. R.S.O. 1937,  
c. 373, s. 13,  
repealed

**2.**—(1) Clauses *e* and *f* of subsection 1 of section 17 of *The Upper Canada College Act* are repealed and the following substituted therefor: R.S.O. 1937,  
c. 373, s. 17,  
subs. 1, cl. *e*,  
re-enacted;  
cl. *f*,  
repealed

- (*e*) authorize such permanent improvements, alterations or additions to the buildings of the College or the erection and equipment of such new buildings as may be desired, and the purchase of land for the erection of new buildings, and direct that the cost of the foregoing may be paid out of the permanent fund, and borrow money on the credit of the College for such purposes, and mortgage, pledge, charge or give security in any manner upon all or any of the real or personal, movable or immovable, property or other assets of the College present or future, and issue, sell or pledge securities of the College including bonds, debentures or other obligations for such sums on such terms and at such prices as the Board deems expedient.

(2) Subsection 2 of the said section 17 is repealed.

R.S.O. 1937,  
c. 373, s. 17,  
subs. 2,  
repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Upper Canada College Amendment Act, 1958*. Short title





## CHAPTER 121

**The Veterinarians Act, 1958**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) In this Act,**Interpre-  
tation

- (a) "animal" means a living being, other than a human being;
- (b) "Association" means Ontario Veterinary Association;
- (c) "council" means council of the Association;
- (d) "member" means member of the Association;
- (e) "Minister" means Minister of Agriculture;
- (f) "registered" means registered as a member under this Act and "registration" has a corresponding meaning;
- (g) "registrar" means registrar of the Association;
- (h) "veterinary science" means the application of medicine or surgery to any animal, and includes diagnosing, prescribing, treating, manipulating and operating for the prevention, alleviation or correction of any disease, injury, pain, deficiency, deformity, defect, lesion, disorder or physical condition of or in any animal, with or without the use of instruments, appliances, medicine, drugs, anaesthetics, or antibiotic or biologic preparations, and also includes the giving of advice in respect of anything mentioned in this clause with a view to obtaining a fee or other remuneration. R.S.O. 1950, c. 409, s. 1, *amended*.

**(2) Nothing in this Act applies to or affects,**Where Act  
does not  
apply

- (a) the furnishing of first aid or temporary assistance to an animal in an emergency;

(b)

- (b) the treatment of an animal by its owner, by a member of his household or by a person regularly employed by him in agricultural or domestic work;
- (c) the treatment of an animal by an employee of a member under the supervision of the member;
- (d) caponizing and the taking of poultry blood samples;
- (e) the study, prevention and treatment of fish diseases;
- (f) any act done under *The Artificial Insemination Act*; or
- (g) the castration of calves, pigs and lambs. *New.*

R.S.O. 1950,  
c. 23

Association  
continued

**2.** The Ontario Veterinary Association is continued as a corporation and every person registered is a member. R.S.O. 1950, c. 409, ss. 2, 3, *part, amended.*

Power to  
acquire  
property

**3.** The Association may purchase, acquire or take by gift, devise, bequest or donation any real or personal property for the purposes of the Association and mortgage or lease the same, and may sell or otherwise dispose of any real or personal property not required for the purposes of the Association. *New.*

Council,  
composition

**4.—(1)** The council shall consist of not fewer than nine elected members, each of whom shall be a member of the Association.

elections

**(2)** The manner of electing the members of the council, the notification of the electors of the time and place of holding the election, the number of electoral districts and the boundaries thereof, the number of members to be elected by each district, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, the tenure of office of members and other necessary details shall be as determined by the by-laws.

quorum

**(3)** At any meeting of the council a majority of the members of the council constitutes a quorum. *New.*

Officers  
of council

**5.** The council shall at its first meeting in each year elect a president, a first vice-president and a second vice-president from among its members, who shall hold office until their successors are elected. *New.*

**6.** The members of the council, the president, the first <sup>Fees and expenses</sup> vice-president and the second vice-president shall be paid such fees and travelling allowances as the by-laws fix. *New.*

**7.** The council may appoint and fix the remuneration of a <sup>Officers of Association</sup> registrar, a treasurer and a secretary, none of whom shall be a member of the council, and any or all of such offices may be held by one person. R.S.O. 1950, c. 409, s. 6, *part, amended.*

**8.—(1)** The council may pass by-laws, By-laws

(a) respecting the admission and registration of members;

(b) fixing the examination fee, the annual registration fee and the penalty for default in payment of the latter;

(c) respecting the register of members;

(d) prescribing the notice, the time, the place and the order of business of meetings of the members and of the council;

(e) providing for the government and discipline of the members;

(f) prescribing a code of professional ethics;

(g) defining “unprofessional conduct”, “gross negligence” and “incompetence”, and designating criminal offences for the purposes of section 14;

(h) respecting the election of the members of the council and its officers;

(i) providing for the establishment and operation of committees;

(j) respecting the board of examiners and the examinations;

(k) prescribing the duties of the registrar, the treasurer and the secretary;

(l) fixing the fees and travelling allowances of the members of the council and its officers;

(m) establishing and governing scholarships, bursaries and prizes;

(n)

- (n) instituting and providing means for increasing the knowledge and skill of the members and for maintaining a high standard of professional ethics;
- (o) providing for and prescribing the terms and conditions of honorary membership and life membership in the Association;
- (p) respecting the management of the property of the Association;
- (q) providing for the investment of any money not immediately required in securities in which trust moneys may be invested by law;
- (r) for all such other purposes as may be deemed necessary or convenient for the management of the Association and the conduct of its affairs.

Interpre-  
tation of  
by-laws

(2) As between members, the ruling of the council on the construction and interpretation of the by-laws is final.

Approval  
of by-laws

(3) No by-law has any force or effect until it has been approved by a general meeting of the members, of which meeting notice shall be given by mail to all members at least thirty days before it is held. *New.*

Board of  
examiners

9.—(1) The council shall appoint annually a board of examiners.

Examina-  
tions

(2) Examinations of applicants for registration shall be held at least once a year at such place or places as the council may direct.

Application  
for regis-  
tration

(3) An application for registration shall be made to the registrar and referred by him to the council which may direct that registration be granted forthwith or that the applicant take an examination before the board of examiners or such members of the board as may be deputed by the council to conduct such examination, but in no case shall a graduate in veterinary science of the Ontario Veterinary College who applies for registration within one year after graduation be required to take a written examination.

Notice of  
result

(4) As soon as possible after the close of each examination, the members of the board who have conducted the examination shall make and file with the registrar a certificate stating the result of such examination, whereupon the registrar shall notify each candidate of the result of his examination and of the council's decision upon his application. *New.*



**10.** No person is eligible for registration unless the council is satisfied that he is, Eligibility for registration

- (a) a graduate in veterinary science of the Ontario Veterinary College or the University of Toronto;
- (b) a graduate in veterinary science of a veterinary college or university recognized by resolution of the council; or
- (c) entitled to practise under section 11. R.S.O. 1950, c. 409, s. 7, *part, amended*.

**11.**—(1) Notwithstanding anything in this Act, any person who holds a certificate from the Minister issued under clause c of section 5 of *The Veterinary Science Practice Act*, being chapter 51 of the Statutes of Ontario, 1920, or under *The Veterinary Science Practice Act*, being chapter 208 of the Revised Statutes of Ontario, 1927, may practise veterinary science. R.S.O. 1950, c. 409, s. 8 (1), *amended*. Persons holding Minister's certificate entitled to practise

(2) The Minister may cancel any certificate mentioned in subsection 1. R.S.O. 1950, c. 409, s. 8 (2), *amended*. Cancellation of certificate

(3) Any person entitled to practise under subsection 1 is entitled to become a member upon making written application to the registrar. *New*. May become member

**12.**—(1) No person shall practise veterinary science unless he is registered. R.S.O. 1950, c. 409, s. 4, *amended*. Practise prohibited without registration

(2) Certificates of registration shall be issued annually by the registrar and he shall keep a register of the names of those to whom certificates are issued. R.S.O. 1950, c. 409, s. 6, *part, amended*. Certificates and register

**13.**—(1) Every member of the Association shall annually on or before the 1st day of January pay to the treasurer such registration fee, not exceeding \$50, as the by-laws prescribe for the year then commencing, and no certificate for that year shall be issued until the fee has been paid. Annual fee

(2) Where a member does not pay the prescribed fee on or before the 1st day of February of the year for which it is payable, his registration may, after inquiry, be suspended by the council, but any registration so suspended may be reinstated upon payment of the fee and such penalty, not exceeding \$25, as the by-laws prescribe. Default in payment

(3) As soon as a registration is suspended under subsection 2, the person affected ceases to be registered and the registrar shall make a note thereof in the register. *New*. Effect of suspension

Suspension  
and can-  
cellation of  
certificates

**14.**—(1) The council may in its discretion suspend or cancel the registration of any member whom it has found to be guilty of unprofessional conduct, gross negligence or incompetence or who has been convicted by a court of competent jurisdiction of a criminal offence designated in the by-laws, or the council may reprimand or censure any such member. R.S.O. 1950, c. 409, s. 9, *amended*.

Procedure

(2) The council shall not take any such action until after a complaint under oath has been filed with the registrar and a copy thereof forwarded to the member accused, nor without having previously summoned the member to appear before the council, nor without having heard evidence under oath in support of the complaint, nor without affording the member an opportunity of submitting evidence on his behalf.

Powers

(3) The council has for the purposes of this section all the powers that may be conferred upon a commissioner under R.S.O. 1950, c. 308, *The Public Inquiries Act*.

Evidence  
to be taken  
down

(4) The evidence given at a hearing under this section shall be taken down by a duly sworn shorthand reporter.

Appeal

(5) Any person whose registration has been suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from the order, and the practice and procedure upon the appeal shall be the same as upon an appeal from the judgment of a Supreme Court judge presiding at a trial, and the Court of Appeal may confirm, vary, vacate or set aside the order and may make an order for payment of the costs of the appeal.

When order  
effective

(6) An order of the council suspending or cancelling the registration of a member does not affect the member's right to practise until the time within which an appeal may be taken has expired and, where an appeal is taken, the suspension or cancellation has been upheld by the Court of Appeal.

Effect of  
suspension

(7) As soon as the order for the suspension of a registration becomes effective, the person affected ceases to be registered and the registrar shall make a note thereof in the register.

Effect of  
cancellation

(8) As soon as the order for the cancellation of a member's certificate becomes effective, the person affected ceases to be registered and the registrar shall strike the name of the person from the register.

Restoration

(9) The council may restore the registration of any person whose certificate has been suspended or cancelled under this section upon such terms and conditions as it deems proper. *New.*

**15.**—(1) In every case where registration is in issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is *prima facie* evidence that such person is the registrar, without any proof of his signature or of his being in fact the registrar. Evidence of registration

(2) The absence of the name of any person from such copy is *prima facie* evidence that such person is not registered. *Idem*  
*New.*

**16.** No person shall conduct any course in veterinary science without the written authorization of the Minister, and an authorization shall not be issued until he is satisfied that the requirements of admission and courses of study and instruction are at least equal in standard to those of the Ontario Veterinary College. R.S.O. 1950, c. 409, s. 10, *amended*. Courses in veterinary science

**17.** No person, other than a graduate in veterinary science of a college or university that is recognized by resolution of the council, shall use the title "Veterinary", "Veterinarian", "Veterinary Surgeon" or append to his name any such title or any abbreviation thereof. R.S.O. 1950, c. 409, s. 11, *part, amended*. Use of titles restricted

**18.** No action shall be brought against a member for negligence or malpractice by reason of professional services requested of or rendered by him unless the action is commenced within six months after the matter complained of terminated. *New.* Limitations of actions

**19.** Any member is entitled to professional witness fees in attending any court of law in such cases as relate to veterinary science or the health or condition of any animal. R.S.O. 1950, c. 409, s. 12, *amended*. Witness fees

**20.**—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, for the first offence, to a fine of not less than \$100 and not more than \$200 or, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or both. Offences

(2) Any fine recovered for an offence under this Act is payable to the Association. R.S.O. 1950, c. 409, s. 14, *amended*. Disposition of fines

R.S.O. 1950,  
c. 409,  
repealed

**21.**—(1) *The Veterinary Science Practice Act* is repealed and all subsisting regulations made under that Act are revoked.

Transitional  
provision

(2) Until the Association is reconstituted under this Act and a notice to that effect is published in *The Ontario Gazette*, it may, notwithstanding the repeal of *The Veterinary Science Practice Act*, continue to operate under that Act as if this Act had not been passed.

Short title

**22.** This Act may be cited as *The Veterinarians Act, 1958*.



## CHAPTER 122

## An Act to amend The Vital Statistics Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 14 of *The Vital Statistics Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
 c. 412, s. 14,  
 subs. 2,  
 re-enacted;  
 subs. 3,  
 re-pealed

(2) If an officer designated under clause *n* of section 53 is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar-General under subsection 2 of section 28 of *The Marriage Act*, he shall register the marriage by signing the statement and then shall mail an acknowledgment of its receipt to the person who solemnized the marriage.

Registration  
 of marriage

2. Section 24 of *The Vital Statistics Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
 c. 412, s. 24,  
 re-enacted

24.—(1) Upon receipt of a certified copy of an adoption order transmitted under section 71 of *The Child Welfare Act, 1954*, or any predecessor thereof, or a certified copy of an order, judgment or decree of adoption made by a court of competent jurisdiction of another province or territory of Canada or of a foreign state, issued under the seal of the proper certifying authority, the Registrar-General shall register the order, judgment or decree.

Registration  
 of adoption  
 orders  
 1954, c. 8

(2) If the birth of the person adopted,

Change in  
 birth  
 registration

(a) was registered in Ontario before the adoption;  
 or

(b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of

the



the birth in the prescribed form, may by order set aside any registration made pursuant to section 8, 9, 10 or 11 or to this section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed.

Idem

- (3) Where a new registration is made pursuant to subsection 2, the date of the new registration shall be the date of the original registration.

Birth  
certificate

- (4) Where a new registration has been made pursuant to subsection 2 and application is made for a birth certificate, the certificate shall be issued in accordance with the new registration.

Idem

- (5) The holder of a birth certificate in respect of a registration of a birth which has been withdrawn pursuant to subsection 2 shall, forthwith upon demand by the Registrar-General, deliver it to the Registrar-General for cancellation.

R.S.O. 1950,  
c. 412, s. 26,  
re-enacted

**3.** Section 26 of *The Vital Statistics Act*, as amended by section 1 of *The Vital Statistics Amendment Act, 1955*, is repealed and the following substituted therefor:

Registration  
of change  
of name

- 26.—(1) Upon receipt of a document that satisfies the Registrar-General that the name of a person whose birth or marriage is registered in Ontario has been changed in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar-General shall register the document and note the change of name on the birth or marriage registration of the person.

Certificate  
after change  
of name

- (2) Where a change of name has been noted on a birth or marriage registration and application is made for a birth or marriage certificate, the certificate shall be issued as if the registration had been made in the name as changed.

Registration  
of annulment  
of change  
of name

- (3) Upon receipt of a document that satisfies the Registrar-General that a document effecting a change of name has been annulled in accordance with the law of the province or territory of Canada

or of the foreign state in which such documents were made, the Registrar-General shall register the document and note the annulment on the birth or marriage registration of the person and on the document effecting the change of name.

- (4) Every notation made under this section shall be dated and initialled by an officer designated by the regulations. Notation to be dated and initialled

**4.** Section 33 of *The Vital Statistics Act*, as amended by R.S.O. 1950, section 3 of *The Vital Statistics Amendment Act, 1951*, is c. 412, s. 33, amended further amended by adding thereto the following subsection:

- (3a) A division registrar may, with the approval of the Registrar-General, appoint one or more deputy Deputy division registrars division registrars to act for him and any such deputy while so acting has all the powers and duties of the division registrar who appointed him.

**5.—**(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on a day to be named by Idem the Lieutenant-Governor by his Proclamation.

**6.** This Act may be cited as *The Vital Statistics Amendment Act, 1958*. Short title



## CHAPTER 123

## An Act to amend The Workmen's Compensation Act

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of subsection 2 of section 1 of *The Workmen's Compensation Act* is amended by adding at the end thereof R.S.O. 1950, c. 430, s. 1, subs. 2, cl. b, amended "except a hospital board", so that the clause shall read as follows:

- (b) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation except a hospital board.

**2.** *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1950, c. 430, amended

- 10a.—(1) Where a licence is granted under *The Crown Timber Act, 1952* and timber is cut by a person other than the licensee, it is the duty of the licensee to see that any sum which the person engaged in the cutting of such timber is liable to contribute to the accident fund is paid and, if the licensee fails to do so, he is personally liable to pay such sum to the Board, and the Board has the like powers and is entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment. Liability of licensee to pay assessments 1952, c. 15
- (2) Where the licensee is liable to make payment to the Board under subsection 1, he is entitled to be indemnified by any person who should have made such payment and is entitled to withhold out of any indebtedness due to such person a sufficient amount to answer the same, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board. Right of indemnity

R.S.O. 1950,  
c. 430, s. 36,  
subs. 1, cl. a,  
amended

**3.**—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,  
c. 430, s. 36,  
subs. 3,  
amended

(2) Subsection 3 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,  
c. 430, s. 36,  
subs. 5,  
amended

(3) Subsection 5 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,  
c. 430, s. 50,  
subs. 3,  
re-enacted

**4.** Subsection 3 of section 50 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Damage to  
artificial  
member or  
apparatus

(3) The Board may pay and, where the employer is individually liable, the Board may order the employer to pay for the replacement or repair of an artificial member or apparatus of a workman that is damaged as a result of an accident arising out of and in the course of his employment, and, where the workman is unable to work because of such damage, he is entitled to compensation as though the inability to work had been caused by a personal injury within the meaning of subsection 1 of section 3.

R.S.O. 1950,  
c. 430, s. 84,  
subs. 4  
(1954, c. 107,  
s. 3, subs. 1),  
amended

**5.** Subsection 4 of section 84 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1954*, is amended by inserting after "workmen" in the fifth line "or where the employer has not complied with the regulations respecting first aid", so that the subsection shall read as follows:

Power to  
increase  
amount of  
assessment  
in certain  
cases

(4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen or where the employer has not complied with the regulations respecting first aid, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.



**6.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**7.** This Act may be cited as *The Workmen's Compensation* Short title  
*Amendment Act, 1958.*



PART II  
PRIVATE ACTS

Chapters 124 to 167



## CHAPTER 124

## An Act respecting the Town of Almonte

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Town of Almonte, Preamble  
herein called the Corporation, by its petition has represented that it has constructed as local improvements certain watermains and sewers, described in the Schedule hereto, that it has constructed certain watermains and sewers on Teskey Street in the Corporation, and that it has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 2010, passed by The Corporation of the Town of Almonte on the 14th day of May, 1957, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal sum of \$25,600 to pay the cost of constructing certain watermains and sewers is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Debenture by-law confirmed

2.—(1) All of the watermains and sewers on Teskey Street in the Town of Almonte shall be deemed to have been constructed as local improvements under *The Local Improvement Act* and, except where inconsistent with this section, the provisions of *The Local Improvement Act*, except sections 7 to 19, shall apply with respect thereto. Certain works deemed local improvements R.S.O. 1950, c. 215

(2) The council of the Corporation may pass a by-law without obtaining the approval of the Ontario Municipal Board to borrow not more than \$5,000 upon debentures payable in not more than fifteen years for expenditures with respect to such works and the by-law when passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof. Authority to pass debenture by-law

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Town of Almonte Act, 1958*. Short title

## SCHEDULE



## SCHEDULE

## By-LAW No. 2010

A By-LAW of The Corporation of the Town of Almonte to provide for borrowing of \$25,600.00 upon debentures to pay for the following works as local improvements:

WHEREAS pursuant to construction By-law numbered 2007 passed on the 12th day of February, 1957, certain water mains and sewers have been constructed on the streets and between the points set out in columns 4, 5 and 6 of Schedule "A" attached hereto, as local improvements under the provisions of *The Local Improvement Act*;

AND WHEREAS the total cost of such work is \$25,600.00 of which the Corporation's portion is \$11,673.58 and the property owners' portion is \$13,926.42;

AND WHEREAS the Ontario Municipal Board has by its order dated the .... day of ..... 1957, approved of the undertaking by the Corporation of the said capital expenditures and of the exercise by the Corporation of its powers to proceed with, authorize or provide moneys for the said undertaking and of the passing of all requisite by-laws for the said purpose, including debenture By-laws;

AND WHEREAS the Department of Health of Ontario has approved of the construction of the said works and such approval has been certified under the hand of the Minister of the said Department;

AND WHEREAS the estimated lifetime of the said work is more than fifteen (15) years;

AND WHEREAS it will be necessary to borrow on the credit of the Corporation at large the sum of \$25,600.00 and to issue debentures therefor;

AND WHEREAS it is expedient to provide that the said debentures shall be payable over a period of fifteen (15) years next after their date of issue;

AND WHEREAS it is expedient to provide that the said debentures shall bear interest at the rate of five (5) per centum per annum and to make the principal of the said debt repayable in yearly sums during the said period of fifteen (15) years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be the amount payable for principal and interest in each of the other years, subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that notwithstanding anything herein contained the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS it will be necessary to raise annually by a special rate during the currency of the said debentures a sum sufficient to provide payment of the said yearly instalments of principal and interest as they shall become payable, of which sum the amount set out at the bottom of the column numbered five (5) of the schedule hereto annexed and marked "A" shall be raised annually for the payment of property owners' portion of the said debt and interest thereon;

AND WHEREAS the amount of the whole rateable property of the Town of Almonte according to the last revised assessment roll is \$2,353,574.00;

AND WHEREAS the amount of existing debenture debt of the Corporation (exclusive of debt created for local improvement purposes) is \$281,856.15; whereof no part is in arrears for either principal or interest.

THEREFORE,

THEREFORE, the Council of the Corporation of the Town of Almonte enacts as follows:

- 1. For the purpose of paying for the cost of the works as outlined in Schedule "A" hereto attached, as local improvements, there shall be borrowed on the credit of the Corporation at large the sum of \$25,600.00 and debentures shall be issued therefor in sums of not less than \$100.00 Canadian currency each and shall be payable both as to principal and interest at such chartered bank or banking corporation in Canada as may be designated thereon, in legal currency of the Dominion of Canada.
- 2. The said debentures shall bear interest at the rate of five (5) per centum per annum and have coupons attached thereto for the payment of interest annually upon the 31st day of January in each year, which coupons shall be signed by the Treasurer of the Corporation, whose signature may be written, stamped, lithographed or engraved thereon.
- 3. The said debentures shall be dated the 31st day of January, 1957, and shall be issued within two years after the date on which this By-law is passed, and the principal sum of the said debentures shall be repaid in annual instalments at the times and in the manner shown in the following schedule, and the respective amounts of principal and interest payable in each year during the currency of the said debentures shall be as follows:

SCHEDULE

Year	Amount of Interest Payable	Amount of Principal Payable	Annual Payment
1.	\$ 1,280.00	\$ 1,186.35	\$ 2,466.35
2.	1,220.65	1,245.70	2,466.35
3.	1,158.38	1,307.97	2,466.35
4.	1,093.00	1,373.35	2,466.35
5.	1,024.32	1,442.03	2,466.35
6.	952.22	1,514.13	2,466.35
7.	876.52	1,589.83	2,466.35
8.	797.00	1,669.35	2,466.35
9.	713.55	1,752.80	2,466.35
10.	625.90	1,840.45	2,466.35
11.	533.90	1,932.45	2,466.35
12.	437.27	2,029.08	2,466.35
13.	335.80	2,130.55	2,466.35
14.	229.30	2,237.05	2,466.35
15.	117.44	2,348.91	2,466.35
	<u>\$11,395.25</u>	<u>\$25,600.00</u>	<u>\$36,995.25</u>

- 4. The said debentures shall be signed by the Mayor or by some other person authorized by By-law to sign the same and also by the Treasurer and shall be sealed with the seal of the Corporation. The signature of the Mayor may be written, stamped, lithographed or engraved thereon.
- 5. During the currency of the said debenture there shall be raised annually for the payment of the property owners' portion of the said debt and interest thereon the sum of \$1,340.70 as shown at the bottom of the column numbered five (5) of the said schedule hereto annexed and marked "A" and for the payment of the Corporation's portion of the cost thereof there shall be raised annually in the manner hereinafter provided such sum as together with the said sum of \$1,340.70 shall be sufficient to provide for the payment of the said yearly instalments of principal and interest as they shall become payable.
- 6. For the payment of the Corporation's portion of the cost of the said work and the interest thereon there shall be levied and raised annually a special rate sufficient therefor over and above all other rates on all rateable property according to the last revised assessment roll at the same time and in the same manner as other rates.

7. For the payment of the property owners' portion of the cost of the said work and the interest thereon the special assessment set forth in the assessment roll prepared for the said work is hereby imposed on the lands liable therefor, which said special assessment, with a sum sufficient to cover interest thereon at the said rate, shall be payable in equal annual instalments during the currency of the debentures and for that purpose the respective special annual rates per foot frontage as shown in column numbered seven (7) of the said schedule hereto annexed and marked "A" are hereby imposed upon each lot entered in the said special assessment roll for the said work, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates, during the currency of the said debentures.

8. The said debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

9. The amount of the loan authorized by this By-law may be consolidated with the amounts of any loans authorized by other local improvement By-laws by including the same with other loans in a consolidating By-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue pursuant to the provision of the statute in that behalf.

10. Pending the sale of the said debentures, or in lieu of selling the same, Council may by resolution authorize the Mayor and the Treasurer to raise money by way of loan on security of such debentures, or upon security of some part of them, and to hypothecate any or all of the said debentures as security for the repayment of the said loan.

11. The Corporation shall have the right, at its option, to redeem all the debentures which mature in the last year on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

12. This By-Law shall take effect on the date of the final passing thereof.

Given under the Corporate Seal of the Town of Almonte this 14th day of May, 1957.

G. E. GOMME,  
*Mayor.*

(Seal)

R. J. FRANCE,  
*Town Clerk.*



1	2	3	4	5	6	7
OWNER & Lot No.	Property Owners' portion of total cost	Assessable frontage	Non-Assessable Frontage	Total amount to be raised annually for payment of owner's portion	Total cost with which each Lot is assessed per Lin. ft. frontage	Annual rate per foot frontage
Town of Almonte..... 206						
H. A. Elliot..... 1	\$ 231.69	89'-5"	118'-3"	\$ 22.29	2.5887	0.24901
Albert Gale..... 2	220.04	85'		21.17	"	"
" " N. pt. 3	64.72	25'		6.22	"	"
Ernest Armstrong..... S. pt. 3	155.32	60'		14.94	"	"
" " N. pt. 4	38.83	15'		3.73	"	"
Albert Gale..... S. pt. 4	181.21	70'		17.43	"	"
" " 5	220.04	85'		21.17	"	"
William Shaver..... 6	220.04	85'		21.17	"	"
Albert Gale..... 7	220.04	85'		21.17	"	"
John Ellis..... 8	245.93	95'		23.66	"	"
Rosamond Mem. Hosp..... 72	152.95	59'-1"		14.71	"	"
Clinton Street.....			50'			
Margaret Gale..... 106	152.95	59'-1"		14.71	"	"



"	107	152.95	59'-1"	14.71	"	"
Harry Gale.....	141	152.95	59'-1"	14.71	"	"
"	142	152.95	59'-1"	14.71	"	"
St. Paul St.....						50'
William Irwin.....	172	111.96	43'-3"	10.77	"	"
Albert Gale.....	18	258.87	100'	24.90	"	"
"	17	207.10	80'	19.92	"	"
Gale St.....						66'
Albert Gale.....	16	194.15	75'	18.68	"	"
"	15	194.15	75'	18.68	"	"
"	14	194.15	75'	18.68	"	"
"	13	194.15	75'	18.68	"	"
"	12	194.15	75'	18.68	"	"
"	11	181.21	70'	17.43	"	"
		<u>\$4,904.30</u>		<u>\$471.76</u>		

1	2	3	4	5	6	7
OWNER & Lot No.	Property Owners' portion of total cost	Assessable frontage	Non-Assessable Frontage	Total amount to be raised annually for payment of owner's portion	Total cost with which each Lot is assessed per Lin. ft. frontage	Annual rate per foot frontage
Construction of a 6" Watermain on Bridge St. From Country St. to Parkview Blvd. Total length, 487 feet.						
Owners' Share.....	\$ 667.78					
Corporation's Share.....	1,640.92					
Total Cost.....	\$2,308.70					
Country St.....			78'-0½"			
Town of Almonte.....			87'			
" " ".....	\$ 155.20	59'-11½"		\$ 14.92	2.5887	0.24901
" " ".....	170.86	66'	39'	16.44	"	"
" " ".....	170.86	66'		16.44	"	"
" " ".....	170.86	66'		16.44	"	"
Parkview Blvd.....			25'			
Country St.....			12'			
Town of Almonte.....			279'			
" " ".....			196'			
Block "A"						
	<u>\$667.78</u>					
				<u>\$64.24</u>		

Construction of a 6" Watermain on Parkview Blvd.  
From Bridge St. to 300' Easterly.  
Owners' Share..... \$1,241.28  
Corporation's Share..... 572.70  
Total Cost..... \$1,813.98

Bridge St.....				20'			
Town of Almonte.....	18	143.68	55'-6"	75'	13.82	2.5887	0.2490
Steve Curley.....	19	170.85	66'		16.43	"	"
Gerald Madden.....	20	170.85	66'	70'-1"	16.43	"	"
Bridge St.....				20'			
Dr. O. H. Schulte.....	25	207.10	80'	27'-11"	19.93	"	"
" ".....	24	207.10	80'		19.93	"	"
Harvey Carleton.....	23	170.85	66'		16.43	"	"
J. Alfred Larose.....	22	170.85	66'		16.43	"	"
		<u>\$1,241.28</u>			<u>\$119.40</u>		

1	2	3	4	5	6	7
OWNER & LOT No.	Property Owners' portion of total cost	Assessable frontage	Non-Assessable Frontage	Total amount to be raised annually for payment of owner's portion	Total cost with which each Lot is assessed per Lin. ft. frontage	Annual rate per foot frontage
Construction of an 8" Sanitary Sewer on Spring St. from Clinton St. to 1100' Southerly.						
Owners' Share.....	\$5,074.26					
Corporation's Share.....	4,633.17					
Total Cost.....	\$9,707.43					
<hr/>						
Clinton St.....			50'			
Rosamond Mem. Hosp.....	\$ 163.34	59'-1"		\$ 15.74	2.7646	0.26635
" " .....	163.34	59'-1"		15.74	"	"
Howard Giles.....	163.34	59'-1"		15.74	"	"
" " .....	163.34	59'-4"		15.74	"	"
St. Paul St.....			50'			
Town of Almonte.....			118'-3"			
H. A. Elliot.....	247.43	89'-5"		23.84	"	"
Albert Gale.....	234.99	85'		22.64	"	"

"	N. pt. 3	69.12	25'		6.65	"	"
Ernest Armstrong.....	S. pt. 3	165.88	60'		15.98	"	"
"	N. pt. 4	41.47	15'		3.99	"	"
Albert Gale.....	S. pt. 4	193.52	70'		18.64	"	"
"	5	234.99	85'		22.64	"	"
William Shaver.....	6	234.99	85'		22.64	"	"
Albert Gale.....	7	234.99	85'		22.64	"	"
John Ellis.....	8	262.64	95'		25.30	"	"
Clinton St.....				50'			
Margaret Gale.....	106	163.34	59'-1"		15.74	"	"
"	107	163.34	59'-1"		15.74	"	"
Harry Gale.....	141	163.34	59'-1"		15.74	"	"
"	142	163.34	59'-1"		1.574	"	"
St. Paul St.....				50'			
William Irwin.....	172	119.57	43'-3"	75'	11.52	"	"
Albert Gale.....	18	276.46	100'		26.63	"	"
"	17	221.17	80'		21.30	"	"



1	2	3	4	5	6	7
OWNER & LOT No.	Property Owners' portion of total cost	Assessable frontage	Non-Assessable frontage	Total amount to be raised annually for payment of owner's portion	Total cost with which each Lot is assessed per Lin. ft. frontage	Annual rate per foot frontage
Gale St.....			66'			
Albert Gale.....	\$ 207.36	75'		\$ 19.98	2.7646	0.26635
" ".....	207.36	75'		19.98	"	"
" ".....	207.36	75'		19.98	"	"
" ".....	207.36	75'		19.98	"	"
" ".....	207.36	75'		19.98	"	"
" ".....	193.52	70'		18.64	"	"
	<u>\$5,074.26</u>			<u>\$488.87</u>		

Construction of an 8" Sanitary Sewer on Bridge  
St. from Country St. to Parkview Blvd.  
Total length, 487 lin. ft.  
Owners' Share..... \$ 713.16  
Corporation's Share..... 1,726.22  
Total Cost..... \$2,439.38

Country St.....					78'-0 $\frac{1}{2}$ "	
Town of Almonte.....					87'	
" ".....	15	\$ 165.77	59'-11 $\frac{1}{2}$ "			\$ 15.97
" ".....	16	182.47	66'		39'	17.58
" ".....	17	182.46	66'			17.58
" ".....	18	182.46	66'			17.58
Parkview Blvd.....					25'	
Country St.....					12'	
Town of Almonte.....					279'	
" ".....	Block "A"				196'	
		<u>\$713.16</u>				<u>\$68.71</u>

1	2	3	4	5	6	7
OWNER & Lot No.	Property Owners' portion of total cost	Assessable frontage	Non-Assessable frontage	Total amount to be raised annually for payment of owner's portion	Total cost with which each Lot is assessed per Lin. ft. frontage	Annual rate per foot frontage
Construction of an 8" Sanitary Sewer on Parkview Boulevard from Bridge St. to 300' Easterly.						
Owners' Share..... \$1,325.64						
Corporation's Share..... 169.47						
Total Cost..... \$1,495.11						
Bridge St.....			20'			0.26635
Town of Almonte..... 18	\$ 153.44	55'-6"	75'	\$ 14.78	2.7646	"
Steve Curley..... 19	182.47	66'		17.58	"	"
Gerald Madden..... 20	182.47	66'	70'-1"	17.58	"	"
Bridge St.....			20'			
Dr. O. H. Schulte..... 25	221.16	80'	27'-11"	21.31	"	"
" "..... 24	221.16	80'		21.31	"	"
Harvey Carleton..... 23	182.47	66'		17.58	"	"
J. Alfred Larose..... 22	182.47	66'		17.58	"	"

SUMMARY SHEET

Sheet No.	Street	SEWER			Total Cost
		Owners' Share	Corp. Share		
5 & 6	Spring St.....	\$ 5,074.26	\$ 4,633.17		\$ 9,707.43
7	Bridge St.....	713.16	1,726.22		2,439.38
8	Parkview Blvd.....	1,325.64	169.47		1,495.11
	Total Sewers.....	\$ 7,113.06	\$ 6,528.86		\$13,641.92
WATER					
1 & 2	Spring St.....	\$ 4,904.30	\$ 2,883.19		\$ 7,787.49
3	Bridge St.....	667.78	1,640.92		2,308.70
4	Parkview Blvd.....	1,241.28	572.70		1,813.98
	Total Water.....	\$ 6,813.36	\$ 5,096.81		\$11,910.17
	Total Sewers and Water.....	13,926.42	11,625.67		25,552.09
	Plus amount to make round figures		47.91	\$11,673.58	47.91
					\$25,600.00





## CHAPTER 125

## An Act respecting the City of Belleville

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Belleville, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The council of the Corporation shall by by-law City Manager  
provide for the establishment of the position of a general  
administrative head, to be known as the City Manager, who  
shall be responsible to the council, shall have such general  
control and management of the administration of the City's  
government and affairs and perform such duties as the council  
shall define, limit and determine in such by-law, and shall be  
responsible for the efficient administration of all its depart-  
ments to the extent that he shall be given authority and  
control over them.

(2) The by-law passed under subsection 1 may be amended Amendment and repeal  
from time to time, but shall not be repealed without the assent  
of the municipal electors.

(3) Until the by-law passed under subsection 1 is repealed Appoint-ment, term of office and remuneration of City Manager  
with the assent of the electors, there shall be a City Manager  
of the Corporation who shall be appointed by by-law of the  
council of the Corporation, shall hold office at the will and  
pleasure of the council and shall receive such remuneration  
as the council by by-law shall determine.

(4) The person appointed as City Manager may also hold City Manager may hold other offices  
the office of clerk, treasurer or any other office in the employ-  
ment of the Corporation.

**2.**—(1) For the year 1960 and thereafter, the council of Composition of council  
the Corporation shall consist of a mayor and eight aldermen  
to be elected by general vote.

Council  
for 1959

(2) At the annual election next after this Act comes into force, there shall be elected a mayor and seven aldermen and the mayor and seven aldermen then elected, together with the seven aldermen elected at the annual election next before this Act comes into force, shall remain in office until the end of the year 1959 and a new council is elected as provided in subsections 3 and 4 and is organized.

Mayor,  
election  
and term  
of office

(3) At the second annual election after this Act comes into force and at each annual election thereafter, there shall be elected a mayor who shall hold office for a one-year term.

Aldermen,  
election  
and term  
of office

(4) At the second annual election after this Act comes into force, there shall be elected eight aldermen of whom the four receiving the highest number of votes at such election shall remain in office for a two-year term and the other four shall remain in office for a one-year term, and thereafter at each annual election there shall be elected four aldermen who shall remain in office for a two-year term.

Application  
of R.S.O.  
1950, c. 243,  
s. 77(5)

(5) Subsection 5 of section 77 of *The Municipal Act* shall apply *mutatis mutandis* to the first election of aldermen pursuant to subsection 4.

Vacancies  
where  
alderman  
resigns to  
run for  
other office

(6) Where the seat of an alderman is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 56 of *The Municipal Act*, the vacancy shall not be filled in the manner provided in section 168, 169 or 170 of *The Municipal Act* but the seat shall remain vacant until the next ensuing annual election at which there shall be elected an alderman in addition to the four normally to be elected at such election and the alderman receiving the fifth highest number of votes at such election shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office and, where the seats of two or more aldermen are rendered vacant as aforesaid, the provisions of this subsection shall apply *mutatis mutandis*.

1949, c. 115,  
s. 4,  
repealed

**3.**—(1) Section 4 of *The City of Belleville Act, 1949* is repealed.

1949, c. 115,  
Sched. A,  
repealed

(2) Schedule A of *The City of Belleville Act, 1949* is repealed.

Commence-  
ment

**4.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 30th day of November, 1959.

Short title

**5.** This Act may be cited as *The City of Belleville Act, 1958*.

## CHAPTER 126

## An Act respecting the Canadian National Exhibition Association

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 1 of section 6 of *The Canadian National Exhibition Association Act, 1948* is amended by striking out “inaugural” in the second line and inserting in lieu thereof “first”, so that the clause shall read as follows:

1948, c. 105,  
s. 6, subs. 1,  
cl. *c*,  
amended

(*c*) seven members of the council of the City of Toronto to be appointed at the first meeting each year of the council; and

appointed  
directors

. . . . .

(2) Subsection 1*a* of the said section 6, as enacted by section 1 of *The Canadian National Exhibition Association Act, 1957*, is amended by inserting after “Agriculture” in the third line “or another official of the Department of Agriculture who is a member of the Agriculture Section”, so that the subsection shall read as follows:

1948, c. 105,  
s. 6, subs. 1*a*  
(1957, c. 129,  
s. 1),  
amended

(1*a*) The Minister of Agriculture of the Province of Ontario may designate in writing the Deputy Minister of Agriculture, or another official of the Department of Agriculture who is a member of the Agriculture Section, to be a member of the Board in lieu of the Minister, and such designation shall continue to be effective, unless revoked in writing by the Minister, so long as the person making the designation continues in the office of Minister of Agriculture.

Minister  
may  
designate  
Department  
official to  
be member

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Canadian National Exhibition Association Act, 1958*.

Short title



## CHAPTER 127

**An Act respecting  
Canadian Pacific Railway Company**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS Canadian Pacific Railway Company by its Preamble petition has represented that a petition will be made to the Parliament of Canada for an Act vesting in Canadian Pacific Railway Company the assets and undertakings of the companies listed in the Schedule hereto and dissolving such companies; and whereas Canadian Pacific Railway Company has prayed that, in so far as the legislative authority of the Legislature extends, the assets and undertakings of such companies be vested in Canadian Pacific Railway Company; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In so far as the legislative authority of the Legislature extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by the companies listed in the Schedule hereto, or to which they are or would hereafter have been or become entitled, are hereby vested in Canadian Pacific Railway Company. Assets of  
companies  
vested in  
C.P.R.

**2.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-  
ment

**3.** This Act may be cited as *The Canadian Pacific Railway Company Act, 1958*. Short title



## SCHEDULE

The Algoma Eastern Railway Company  
The Lindsay, Bobcaygeon and Pontypool Railway Company  
The Montreal and Ottawa Railway Company  
The Ottawa, Northern and Western Railway Company  
The St. Mary's and Western Ontario Railway Company  
Tilsonburg, Lake Erie and Pacific Railway Company

## CHAPTER 128

**An Act to incorporate The Chartered Institute of Secretaries of Joint Stock Companies and other Public Bodies in Ontario**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the persons named in section 1 by their <sup>Preamble</sup> petition have represented that The Chartered Institute of Secretaries of Joint Stock Companies and other Public Bodies Canadian Branch (Province of Ontario) has been operating since 1927 in Ontario, as an unincorporated association, as a branch of The Chartered Institute of Secretaries of Joint Stock Companies and other Public Bodies, a body established on November 4, 1902, by Royal Charter of His late Majesty King Edward VII, and that it is expedient to constitute such association a corporation in Ontario; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Frank Ernest Kane Udell, Samuel Ernest Clark, Harry Hall Edmison, Bruce Benjamin Upshall and Cecil Brown <sup>Institute incorporated</sup> Bell, all of the City of Toronto in the County of York, George Blake, of the City of London in the County of Middlesex, Cameron Knox MacGillivray, of the City of Hamilton in the County of Wentworth, and such other persons as hereafter may become members of the Institute are hereby constituted a body corporate and politic under the name "The Chartered Institute of Secretaries of Joint Stock Companies and other Public Bodies in Ontario", herein called the Institute.

**2.** The objects of the Institute shall be to provide means <sup>Objects</sup> and facilities by which its members may increase their knowledge, skill and proficiency in all things relating to the profession or business of a Chartered Secretary and to hold such examinations and prescribe such tests of competency as may be deemed expedient to qualify for admission to

membership

membership and to discipline any member guilty of any default or misconduct in the practice of his profession or business.

Council

**3.**—(1) There shall be a council of the Institute, herein called the Council, which shall control and manage the affairs of the Institute.

Composition

(2) The Council shall consist of fifteen elected members who shall be elected for such term and in such manner as the by-laws provide, and in addition every past chairman of the Institute and of the aforesaid unincorporated association shall be an *ex officio* member of the Council.

Officers

(3) The Council shall elect from its members a chairman, two vice-chairmen, a treasurer and such other officers as it may deem necessary.

Secretary

(4) The Council shall appoint a member of the Institute as secretary who shall be paid such remuneration as may be fixed by the Council.

Vacancy

(5) When a vacancy occurs in the Council from any cause, the Council shall appoint a member of the Institute to fill the vacancy for the unexpired term of the member of the Council being replaced.

Membership

**4.**—(1) All persons who, on the day this Act comes into force, are in good standing as members of the aforesaid unincorporated association shall be admitted to the register in the same class of membership as they held in the unincorporated association and together with all other persons admitted to the register shall constitute the membership of the Institute.

Idem

(2) Any person who is of the full age of twenty-one years or over and who in the opinion of the Council is a person of good moral character and habits and provides satisfactory evidence of having attained the standards of knowledge and complied with such other requirements as the by-laws may prescribe shall be admitted to the register.

Classes of membership

(3) The Institute shall have two classes of membership, namely, Fellows and Associates, qualifications for which shall be those prescribed by the by-laws.

Honorary members

(4) The Council may elect as honorary members persons who have rendered outstanding service to the Institute.

Designation

**5.**—(1) Every member of the Institute shall have the right to use the designation "Chartered Secretary" and may use

after

after his name, in the case of a Fellow, the initials F.C.I.S., signifying "Fellow of The Chartered Institute of Secretaries", and in the case of an Associate, the initials A.C.I.S., signifying "Associate of The Chartered Institute of Secretaries".

(2) Any person in Ontario who, not being a member of the Institute, takes or uses the designation "Chartered Secretary" or the initials F.C.I.S. or A.C.I.S. or any name, title or description, such as C.S. or C.I.S., implying that he is a member of the Institute is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for each offence.

(3) All fines recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Institute.

Fines  
payable to  
Institute

**6.**—(1) The secretary shall keep a register in which shall be entered in alphabetical order the names of all members in good standing showing the class of membership held, and only those persons whose names appear in the register shall be members and entitled to the privileges of membership in the Institute.

Register

(2) The register shall be open to inspection by any person during normal business hours.

Inspection

**7.**—(1) The Institute may, by resolution of the Council, establish local Chapters having jurisdiction over such areas as the Council may from time to time determine.

Chapters

(2) Chapters shall be constituted and governed in accordance with such rules and regulations as may be made and approved by the Council.

Idem

**8.**—(1) The Council may pass by-laws, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Institute, its management, government, aims, objects and interest, including,

By-laws

- (a) prescribing a curriculum and the course of studies to be pursued by students and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
- (b) establishing the power, duties and remuneration of examiners to be appointed for the purpose of ascertaining and reporting upon the qualifications of candidates for membership;

(c)



- (c) regulating and governing the conduct of its members in the practice of their profession or business, including the suspension or expulsion of any member for misconduct or violation of the rules or by-laws of the Institute;
- (d) fixing the fees to be paid by students, candidates for membership and members;
- (e) governing the election of members of the Council and fixing their term of office;
- (f) fixing the dates and places of meetings of the Institute and the Council and providing for the manner of calling and conducting meetings;
- (g) providing for the form and use of a seal by the Institute;
- (h) respecting any other matter deemed necessary or advisable for the effective management of the Institute and the conduct of its business.

Approval  
of  
by-laws

(2) No by-law shall come into force until approved at an annual general meeting of the Institute or at a special general meeting called for the purpose of considering the by-law.

Educational  
facilities

**9.** The Institute may establish lectures, correspondence courses and classes to provide instruction to students preparing for the examinations of the Institute or may enter into agreements with the governing body of any university, college or other educational organization for the attendance of students at such lectures or classes in such university, college or other educational organization as may come within the courses of subjects prescribed by the by-laws of the Institute.

Powers

**10.** The Institute, by resolution of the Council, may,

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings for the purposes of the Institute and lease any part of such buildings;
- (c) hold, mortgage, lease, dispose of, sell, alienate or convey any real or personal property;
- (d) borrow money upon the credit of the Institute, limit or increase the amount to be borrowed, issue debentures or other securities of the Institute,

pledge



pledge or sell such debentures or other securities for such sums and at such prices as may be deemed expedient, mortgage, hypothecate, charge or pledge all or any of the real or personal property, undertaking and rights of the Institute, present and future, and secure any such debentures or other securities or any money borrowed or any other liability of the Institute, but nothing in this clause limits or restricts the borrowing of money by the Institute on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Institute;

- (e) accept by devise or gift moneys, real estate or other donations to be used to further the objects of the Institute;
- (f) invest moneys of the Institute not immediately required for the purposes of the Institute in such investments as trustees may by law invest trust funds;
- (g) operate a library for the benefit of members and students and publish, or cause to be published, books, pamphlets or other publications of interest to members and students;
- (h) do all such other lawful things as are incidental or conducive to the attainment of the objects of the Institute.

**11.** The Institute may establish and administer a benevolent fund for the benefit of any members or the families of deceased members who may require financial assistance and for the purpose may make and receive contributions and donations. <sup>Benevolent fund</sup>

**12.** Any surplus derived from carrying on the affairs and business of the Institute shall be devoted and applied solely to promote and carry out its objects and purposes and shall not be divided among its members. <sup>Surplus</sup>

**13.** Nothing in this Act shall affect or interfere with the right of any person not a member of the Institute to perform the duties of a secretary in Ontario. <sup>Application of Act</sup>

**14.** Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. <sup>Application of Act</sup>

First  
council

**15.**—(1) Frank Ernest Kane Udell, Samuel Ernest Clark, Cameron Knox MacGillivray, George Blake, Stephen Howard Ambrose, Charles Oswald Biggs, Harry Hall Edmison, Sydney Richard Gee, George Thompson Jackson, William Graham Ledingham, Ora Douglas Newton, James Albert Mason Price, Donald Alexander Harry Roberts, Reginald Thomas Rose, Frederick James Turner, Bruce Benjamin Upshall, who are the council of the aforesaid unincorporated association, are hereby constituted the first council of the Institute; the first-named shall hold office as chairman, the second-named shall hold office as vice-chairman, the third-named shall hold office as treasurer, the fourth-named shall hold office as past chairman of the unincorporated association and the remainder shall hold office as members of the Council until their successors are elected in accordance with this Act and by-laws of the Institute.

Provisional  
by-laws

(2) The first council shall prepare provisional by-laws for the purposes set out in section 8.

General  
Meeting

(3) The first council, within nine months after the day this Act comes into force, shall call a general meeting of the members of the Institute for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council.

By-laws of  
unincorporated  
association

(4) Pending approval of these provisional by-laws, the rules of the unincorporated association, in so far as they are not inconsistent with the provisions of this Act, shall be the by-laws of the Institute.

Assets and  
liabilities  
of unincorporated  
association

**16.** The assets and liabilities of the unincorporated association shall respectively be transferred to and assumed by the Institute as and from the date this Act comes into force.

Commence-  
ment

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** This Act may be cited as *The Chartered Secretaries of Ontario Act, 1958*.

## CHAPTER 129

## An Act respecting the City of Chatham

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Chatham, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** By-law No. 4452 of the Corporation, passed on the 16th Bus  
day of December, 1957, being a by-law to extend the franchise franchise  
held by J. I. DeNure (Chatham) Limited for the operation by-law and  
of a passenger transportation bus service within the limits of agreement  
the City of Chatham, set forth as the Schedule hereto, and the confirmed  
Agreement set forth in Schedule "A" to the by-law, are  
hereby confirmed and declared to be valid and binding upon  
the Corporation and the ratepayers thereof, and upon J. I.  
DeNure (Chatham) Limited, and upon any other person or  
persons affected thereby.

**2.—(1)** In addition to its powers under paragraph 92 of Bus  
subsection 1 of section 388 of *The Municipal Act*, the council franchise  
of the Corporation, with the approval of the Ontario Muni- agreement as  
cipal Board, may in any agreement granting a bus franchise to payment  
agree to pay to the person to whom the franchise is granted, R.S.O. 1950,  
by way of subsidies, such sums, in such instalments and on c. 243  
such conditions, as may be agreed upon.

**(2)** The council of the Corporation may levy in the year Levy  
in which any such sum becomes due and payable, or in the  
year next following the year in which any such sum becomes  
due and payable, a special rate sufficient to raise such sum  
on all rateable property in the municipality or in the area  
defined in the agreement.

**(3)** Subject to subsection 4, no agreement entered into Assent and  
under subsection 1 shall be valid unless it has received the approval  
assent of the electors qualified to vote on money matters,  
and has been approved by the Ontario Municipal Board.

Exception  
R.S.O. 1950,  
c. 262

(4) Notwithstanding section 67 of *The Ontario Municipal Board Act*,

- (a) where the term of the franchise as set forth in the agreement is for two months or less, neither the assent of the electors nor the approval of the Ontario Municipal Board shall be required; and
- (b) where the term of the franchise as set forth in the agreement is for more than two months but not more than one year, only the approval of the Ontario Municipal Board shall be required.

Interim  
levy for  
general  
purposes  
R.S.O. 1950,  
c. 243

**3.**—(1) In addition to its powers under section 308 of *The Municipal Act*, the council of the Corporation may, in any year, before the adoption of the estimates for that year, levy on the whole rateable real property in the municipality a rate of not more than 40 per cent of the rates levied in the preceding year on residential real property of public school supporters.

Annual levy  
reduced by  
amount of  
interim levy

(2) Where in any year a levy is made under subsection 1, the amount required to be raised by levy under section 308 of *The Municipal Act* with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1.

Application  
of  
R.S.O. 1950,  
c. 24

(3) The provisions of *The Assessment Act* with respect to the levy of the yearly rates and the collection of taxes shall apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

Certain  
lands  
restricted  
as public  
park

**4.** The part of the unpaved portion of William Street in the City of Chatham lying between the westerly margin of the existing pavement and the westerly limit of the said Street allowance extending from Colborne Street northerly to Stanley Avenue, and that portion of Stanley Avenue lying between the southerly limit of the said Street allowance and a line running parallel thereto and located 15 feet northerly thereof extending westerly from William Street to the River Thames, are hereby restricted for use only as Public Park lands, unless some other proposed use receives the assent of the electors of the City of Chatham entitled to vote at municipal elections.

1895, c. 65,  
s. 2,  
repealed

**5.** Section 2 of *An Act to incorporate the City of Chatham*, being chapter 65 of the Statutes of Ontario, 1895, is repealed.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The City of Chatham Act, 1958*.



## SCHEDULE

## BY-LAW NUMBER 4452

## OF THE CORPORATION OF THE CITY OF CHATHAM

A By-law to extend the Franchise held by J. I. DeNure (Chatham) Limited to the 31st day of December, 1967, for providing a transportation service in the City of Chatham.

FINALLY PASSED the 16th day of December, 1957.

WHEREAS since the year 1948 a bus transportation service system has been operated for the citizens of the City of Chatham by J. I. DeNure (Chatham) Limited, under exclusive franchises.

AND WHEREAS the present franchise held by the said J. I. DeNure (Chatham) Limited expires December 31st, 1957;

AND WHEREAS the said J. I. DeNure (Chatham) Limited has requested that its franchise be extended for a period of ten years, to the 31st day of December, 1967;

AND WHEREAS the Council of the Corporation of the City of Chatham is of the opinion that the transportation system offered by the said J. I. DeNure (Chatham) Limited presents a transportation service on the most economical and satisfactory terms available, or likely to be available over the said period, and deems it advisable to grant to the said J. I. DeNure (Chatham) Limited an exclusive franchise on the terms and conditions outlined in the Agreement marked Schedule "A" hereto;

AND WHEREAS it will be necessary to obtain special legislation from the Legislative Assembly of the Province of Ontario for authority to make the payments provided for in the said Agreement;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Chatham as follows:

1. That the Corporation of the City of Chatham hereby grants to J. I. DeNure (Chatham) Limited the exclusive right, franchise and privilege for the period of ten years from the 1st of January, 1958, to operate a passenger transportation system over, through and upon streets, avenues and public places within the limits of the City of Chatham in accordance with the provisions of the Agreement between the Corporation of the City of Chatham and J. I. DeNure (Chatham) Limited, marked Schedule "A" hereto.

2. That the Mayor and Clerk are hereby authorized to execute, on behalf of the Corporation of the City of Chatham, the said Agreement marked Schedule "A" hereto.

3. That the Mayor and Clerk are hereby authorized to sign, on behalf of the Corporation of the City of Chatham, a Petition to the Legislative Assembly of the Province of Ontario and to the Lieutenant-Governor-in-Council for special legislation authorizing the Corporation of the City of Chatham to make the payments called for in the said Agreement marked Schedule "A" hereto, and giving to the Corporation any other special powers necessary to enable it to enter into the said Agreement.

This by-law shall come into full force and effect as of January 1st, 1958,

(a) When the same has been assented to by the electors of the City of Chatham;

(b)



- (b) When the Agreement marked Schedule "A" hereto has been executed by the parties; and
- (c) When special legislation of the Legislative Assembly of the Province of Ontario comes into effect, enabling the Corporation of the City of Chatham to perform the said Agreement marked Schedule "A" hereto.

A. E. STIRLING,  
*Mayor.*

W. L. FOREMAN,  
*Clerk.*

## SCHEDULE "A"

THIS AGREEMENT made in triplicate this 18th day of October, A.D. 1957.

BETWEEN:

THE CORPORATION OF THE CITY OF CHATHAM, herein-  
after called the "Party",

OF THE FIRST PART,

—and—

J. I. DeNURE (CHATHAM) LIMITED, hereinafter called  
the "Party"

OF THE SECOND PART.

WHEREAS the Party of the second part has been operating a bus transportation service for the citizens of the City of Chatham, under an Agreement dated 15th March, 1957, which expires December 31st, 1957;

AND WHEREAS the Party of the first part is desirous that a proper bus transportation service be continued;

AND WHEREAS it is desired to set forth the terms and conditions for the operating of the said transportation system in the City of Chatham;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Parties mutually covenant and agree for themselves, their successors and assigns, as follows:

1. The Party of the first part hereby grants to the Party of the second part, its successors and assigns as hereinafter provided, the exclusive right, franchise and privilege for the full period of ten years from the 1st day of January, 1958, for the operation of a passenger transportation system on a time schedule and, for such purpose, to maintain, lease, own and operate busses and other vehicles operated by gasoline or automotive power, together with any rolling stock and equipment necessary and incidental thereto, and upon the terms mentioned in and authorized by this Agreement, and for that purpose to use, occupy and operate upon such streets in the City of Chatham for the said term of ten years, and also to operate upon schedule as to days of the week (except Sunday and legal holidays) service, frequency of service as may be decided to be necessary by the Party of the first part.

2. The Party of the second part covenants to maintain a transportation service as required by the Party of the first part from time to time, upon such streets and upon such schedule as to days of the week, daily service, frequency of service, stopping places and fares, as required by the Party of the first part, provided the Party of the second part shall not be required to accept routes over unpaved streets for more than the period of one year, and subject always to the minimum requirements contained in paragraph 18 hereof, provided the mileage per day not to be reduced below what will average 125 miles per bus per day. The Party of the second part shall also provide and operate two special busses on routes and at the times shown on the Schedule attached hereto marked "A", during the period from 1st January, 1958, to December 31st, 1959, on all days when Secondary Schools are open, and shall receive therefor the sum of Fifty Dollars (\$50.00) per day, payable twice monthly, in lieu of payment on mileage basis, provided the Party of the first part may at any time prior to December 31st, 1957, cancel this provision for two special busses. Between the dates December 31st, 1957, and December 31st, 1959, the Party of the first part may cancel this provision, but in such case shall compensate the Party of the second part, if it so requires, with respect to one special bus, the amount of the difference between the sale price it obtains for such bus and the book value of the bus. The request for compensation shall be made within two weeks of the cancellation of this provision; otherwise the right to compensation shall be lost to the Party of the second part.

3. Should the Party of the second part wilfully and continuously fail to operate the said passenger transportation system as herein agreed upon or as hereinafter may be agreed upon, the Party of the first part may grant or permit to be granted to any other person, partnership, company or corporation, the right to operate a transportation system as long as such failure continues, and it is further hereby mutually agreed by and between the Parties hereto that in the event of the Party of the second part failing to operate the said transportation system or to perform any of the conditions and obligations hereinafter set out, the Party of the first part shall be at liberty to give the Party of the second part notice in writing, setting out the particulars in which the Party of the second part has failed to perform or has violated any of the covenants and obligations herein set out, and in the event of the Party of the second part failing to operate after commencement of operations for a period of one month from the date of notice given by the Party of the first part of such non-performance, such notice to be given by registered mail directed to the Party of the second part at Chatham, Ontario, then this Agreement shall, at the option of the Party of the first part, become rescinded to all intents and purposes, and the rights and privileges herein shall cease and terminate, together with all licenses from the Party of the first part under which the Party of the second part may operate, and the Party of the second part shall not be entitled to any compensation or damages whatsoever.

4. The Party of the second part shall, before operating any vehicles under the authority of this Agreement, obtain from the Board of Commissioners of Police for the City of Chatham, a license for each vehicle, and also pay to the Corporation of the City of Chatham any fee or charge as may be determined by By-law (not being in the nature of a license fee), provided, however, that the fee or charges for such licenses shall not exceed the sum of Ten Dollars (\$10.00) for each vehicle per year. Such licenses are not to be arbitrarily issued, but shall be conditional upon the reasonable compliance of each vehicle as to condition, safety devices and other requisites, as pertaining thereto in this Agreement.

5. All vehicles used or operated under the authority of this Agreement shall be at all times fully equipped with approved safety devices and shall be kept and maintained in first class serviceable condition and present at all times a good appearance, and all vehicles while in operation shall be kept in a clean, sanitary condition.

6. The Party of the second part shall at all times keep the said vehicles insured in a Company satisfactory to the Party of the first part, against public liability to passenger and public and property damage, and be responsible for all accidents resulting from its negligence or through the negligence of its agents or workmen in operating any vehicle. The said insurance shall, at least, indemnify against such liability for injuries to any one person, for any one accident or for property damage to the amounts provided by the regulations respecting the licensing of public vehicles or by any statute or regulation of the Province of Ontario, and shall at all times keep such policies on file in the office of the City Clerk, and further shall indemnify and save the Party of the first part harmless from any and all costs or damages which may accrue in any manner by reason of the negligent act of omission or commission in the operation of any vehicle as herein set out.

7. The Party of the first part agrees to pass such by-laws as in its opinion are essential to conduct a proper transportation system in, over and upon the streets or highways within the limits of the City of Chatham, and to provide for bus stops at such designated street intersections as it may decide upon, which spaces shall be reserved for the use of the busses of the Party of the second part during schedule hours, and to prohibit parking on such reserved spaces during the said schedule hours.

8. It is agreed between the Parties hereto that the Party of the second part shall collect fares according to the following fare schedule:

(a) Single cash fare—15c, 8 tickets for \$1.00.

(b)

- (b) Children (other than school children) under 12 years of age not more than 51" in height—cash fare 10c. Children under 5 years of age when with a paying passenger ride free.
- (c) Payment of fare either by cash or by ticket shall entitle a passenger to ride from any point within a route to any other point served by the Party of the second part in the City, and for the purpose of making such journey the passenger shall be entitled to transfer from one route to one or more routes as may be necessary to reach his destination, without the payment of additional fares. Provided that such transfers may be used only on the first connecting coach or bus.
- (d) The foregoing rate schedule may be amended from time to time as determined by the Party of the first part.

9. Policemen and Firemen in the employ of the Party of the first part shall be carried free when in uniform and on duty, on runs within the City of Chatham, and employees of the Party of the second part and their dependents shall be carried free on such runs.

10. All revenue collected in fare boxes for transportation provided hereunder shall be the property of the Party of the first part, and delivery of such revenue shall be made daily to the City Offices, or to such other place as the Party of the first part may require. Tickets received in fare boxes shall be paid for by the Party of the second part twice monthly at 12½c each so long as tickets are sold 8 for \$1.00, or at such rate as may be subsequently agreed upon.

11. In consideration of the performance of all of its covenants herein contained by the Party of the second part, the Party of the first part covenants to pay to the Party of the second part forty-eight cents (48c) for each mile its busses are operated in providing the transportation service required hereunder, excluding mileage for chartered trips within the City. The mileage to be paid for shall be determined twice monthly on a basis whereby the distances of the routes travelled are logged, and the total number of trips over such routes are counted, the amount of the payment to be arrived at by multiplying the mileage distances of the routes by the numbers of trips made, by the sum of forty-eight cents (48c). Payments shall be made twice monthly upon approval by the Municipal Council of the Party of the first part of the statement of mileage submitted by the Party of the second part. It is acknowledged that the said payment of forty-eight cents (48c) per mile is based on operation cost per mile of City bus line only, plus 6% interest on the capital investment of the Party of the second part, plus 3.3c per mile profit, as indicated in the October 1957 Auditors' statement prepared for the Party of the second part, which is attached as Schedule "B" hereto. If in any year semi-annual Auditors' statements of the Party of the second part show operation costs per mile based on the same factors, other than profit as contained in the October 1957 statement, are either increased or decreased, the rate per mile shall be adjusted for the said half year so that it will bear the same relation to the operating cost per mile plus 6% per annum on capital investment as forty-eight cents (48c) does to the October 1957 cost per mile, plus 6% per annum on capital investment, provided the adjustment shall be made to the nearest half cent. Any payment due to either Party on such adjustment shall be made in thirty days after demand. Semi-annual Auditors' statements shall be furnished as received, and all business records of the Party of the second part pertaining to City bus operation shall be made available, if requested by the Party of the first part. The Party of the second part agrees that before entering into any new wage contract with its employees it will obtain the approval of the City Council to the terms thereof, and that salaries for management shall not be increased without the consent of the Party of the first part. It is further agreed by the Parties hereto that the operating costs and depreciation charges in respect of the special busses referred to in paragraph 2 hereof shall be excluded in calculating operation costs per mile, and that if, after the payment of the stipulated price per mile is made to



the Party of the second part, there remains a surplus in any year, the surplus up to what would amount to three cents (3c) per mile of operation in that year shall be the property of the Party of the first part, and any surplus over that shall be divided equally between the Parties.

12. The Party of the first part undertakes to apply to the Legislative Assembly of the Province of Ontario for such powers as will enable the Party of the first part to do, perform and carry out each and every of the agreements and covenants on its part to be done, performed and carried out.

13. The said Party of the first part agrees to provide, erect and maintain, during the term of this franchise, usual 'Coach Stop' signs along the said routes at such places as the Parties hereto may agree upon.

14. The Party of the second part covenants not to assign its rights under this Agreement without the consent of the Party of the first part.

15. The Party of the first part agrees to keep all bus or coach route streets in a reasonably good state of repair at all times, and if by reason of unusual weather conditions or other circumstances any of the said route streets become impassable by reason of snow or ice, then in that event the Party of the first part agrees to act as promptly as is possible in the clearing of the snow and the sanding of such coach route streets as may be deemed to be unsafe or impassable by reason of icing. And until such condition as caused by unusual or inclement weather is remedied, the Party of the second part may, on notice to the City Manager, re-route its busses over such other coach route streets as in the opinion of the Party of the second part may be deemed advisable.

16. The Party of the first part agrees to assist the Party of the second part in preventing the Railroads from blocking the streets for periods of over five minutes at one time, excepting as permitted by law.

17. During the term of this Agreement or until the termination thereof, the Party of the first part shall not in any way depreciate the right, privilege or franchise hereby granted, and shall not grant or permit to be granted to any other person, partnership, firm or corporation, any right, privilege, license or franchise to construct, maintain, use or operate any lines of railway for local passenger trips, or any bus, jitney or other similar vehicles for the purpose of transporting passengers for gain or hire, the operation of which will come into competition with the transportation system of the Party of the second part. Provided that any such grant to operate a bus or jitney or other similar vehicle between any points in the City and any locality outside of the City not served by the transportation system of the Party of the second part shall not be deemed to depreciate the said right, privilege or franchise. In no case shall any bus, jitney or similar vehicle be permitted to take on passengers within the City and discharge the said passengers within the City. Provided further that this section shall not apply to any ordinary cabs or taxicabs kept for hire and used for transportation not over a fixed route, at fares fixed by the Board of Police Commissioners of the Party of the first part. In the event of any transportation of passengers over which the Corporation has no power or control, then the said Party of the first part is not to be held liable for any loss or damage sustained by the Party of the second part by reason thereof.

18. The Party of the second part in pursuance of the powers granted in paragraph 1 hereof, as a condition precedent to the execution of this Agreement, agrees to put in service six (6) modern busses in good condition and to have ready at all times for service, in conformance with the terms of the Agreement, two spare coaches or busses, also in good condition. The Party of the second part further agrees to expand and extend the said service to meet all reasonable requirements of a passenger transportation system within the limits of the City of Chatham, from time to time, and for this purpose to obtain such further new coaches or busses subject to an allowance of reasonable time to get delivery of such busses, or in any event such further coaches or busses in first class condition as are essential to the carrying on of a passenger transportation coach or bus service.



19. The performance of this Agreement by the Party of the second part shall be excused during such time as performance may be rendered impossible by disaster, act of God or other cause beyond the control of the Party of the second part.

20. All former Agreements between the Parties hereto in respect of bus transportation and franchise, are hereby abrogated and of no further force and effect.

21. Either Party may terminate its obligations under this Agreement after December 31st, 1959, on any December 31st upon giving at least six months' notice in writing to the other Party prior to the December 31st of the year in which the Agreement is to be terminated. If this Agreement is terminated by the Party of the first part prior to December 31st, 1967, except where terminated by reason of default of the Party of the second part, the Party of the first part shall, if requested by the Party of the second part, purchase all busses of the Party of the second part used in the City service under this Agreement, at their then book value as established by the Auditors' records prepared for the Party of the second part at the time. The Party of the second part agrees that in its accounting, its busses shall be depreciated ten per cent of cost per annum for a period of ten years from the date of purchase of each bus, and that when, in respect of each bus, the ten-year period has expired no charge for depreciation of such bus shall thereafter be included in its operating costs.

22. This Agreement shall be binding upon the Parties hereto, their successors and assigns, if assented to by the ratepayers of the City of Chatham, and when confirmed by special legislation of the Legislative Assembly of the Province of Ontario.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals duly attested by the hands of their proper Officers.

SIGNED, SEALED AND DELIVERED	THE CORPORATION OF THE CITY OF CHATHAM:
In the presence of:	A. E. STIRLING,
(Seal)	Mayor.
	W. L. FOREMAN,
	Clerk.
	J. I. DENURE (CHATHAM) LIMITED:
(Seal)	J. I. DENURE.

Schedule "A"

[Plan of routes, showing time schedules, attached.]

*Schedule "B"*

## CHATHAM COACH LINES, CHATHAM, ONTARIO

Statement of Operating Costs of City Runs  
 Period of Nine Months Ended September 30, 1957,  
 and Basis of Calculation of Same.

Item	Basis of Calculation	Amount
Bus Sundry Expenses.....	50% of Total.....	\$ 109.16
Garage Supplies.....	50% of Total.....	459.02
Gasoline.....	Actual Cost.....	11,521.80
Grease and Oil.....	60% of Total.....	462.56
Insurance on Buses.....	3% on Income plus cost of Fire Insurance.....	2,527.87
Licenses.....	Actual Cost.....	798.00
Bus Repairs—Parts.....	60% of Total Cost.....	6,609.75
—Tires.....	60% of Total Cost.....	2,377.61
Taxes—Property and Business.....	60% of Total Cost.....	650.29
Sundry Repairs—Sublet Work.....	60% of Total Cost.....	1,230.90
Unemployment Insurance.....	Company's Portion.....	290.16
Uniforms.....	60% of Total Cost.....	245.62
Wages.....	Actual payments.....	36,816.00
Water.....	75% Total Consumption.....	53.05
DEPRECIATION		
Building.....	10% of Book Value.....	\$ 866.18
Buses.....	10% on Cost.....	6,979.12
Garage Equipment.....	60% of Total.....	83.23
Service Truck.....	Actual.....	35.80
		<u>7,964.33</u>
Management.....	50% of Total.....	2,730.00
Accounting.....	50% of Total.....	150.00
Legal.....	Actual Payment.....	500.00
Advertising.....	50% of Total.....	91.09
General Expenses.....	50% of Total.....	133.18
Group Insurance.....	70% of Total.....	1,871.97
Light and Heat.....	75% of Total.....	485.42
Office Expense.....	Total for Period.....	102.54
Stationery and Tickets.....	Actual Payments.....	564.50
Telephone.....	25% of Total.....	153.82
Interest on Investment.....	6% on 50,000.00 for 9 months.....	2,250.00
TOTAL COST FOR PERIOD.....		<u><u>\$81,148.64</u></u>
Miles Travelled.....	181.640	
Cost per mile.....		44.7
Profit per mile.....		3.3
Price per mile.....		<u><u>48.0</u></u>

## CHAPTER 130

**An Act respecting  
the Township of Chinguacousy**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Township of Chinguacousy, herein called the Corporation, by its petition has represented that it has entered into an agreement to sell the Chinguacousy Municipal Telephone System to The Bell Telephone Company of Canada and has prayed for special legislation in connection therewith; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation is hereby authorized and empowered to sell and convey its municipal telephone system known as the Chinguacousy Municipal Telephone System and every part thereof to The Bell Telephone Company of Canada free and clear of all charges, liens and encumbrances notwithstanding any irregularities or defects in By-law No. 856 of the Corporation passed on the 18th day of November, 1957, set forth as the Schedule hereto, or in the procedure followed for obtaining the assent thereto of the ratepayers or the electors qualified to vote on money by-laws, and notwithstanding the requirements of *The Public Utilities Act*. Sale of  
municipal  
telephone  
system  
authorized  
  
R.S.O. 1950,  
c. 320

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Township of Chinguacousy Act, 1958*. Short title

## SCHEDULE

## THE CORPORATION OF THE TOWNSHIP OF CHINGUACOUSY

## By-Law No. 856

Being a By-law to authorize the question of the future operation of the Municipal Utility called the Chinguacousy Municipal Telephone System to be placed before all the electorate qualified to vote on money by-laws, at the December 9th annual municipal election, at the time and places quoted in By-law No. 852 and as published in the *Brampton Conservator* of November 14th, 21st, and 28th issues.

WHEREAS to comply with the wishes of the electors, as voiced at the special public meeting held in Snelgrove Hall, August 21st, 1957, it is considered expedient to place the question of the future operation of the above Utility on the Ballot for all qualified electors to decide.

THEREFORE BE IT ENACTED, and it is so enacted, that the following question be placed on the Ballot:

"Are you in favour of the Council of The Corporation of the Township of Chinguacousy negotiating a sale of the Public Utility known as the Chinguacousy Municipal Telephone System?

YES

NO"

READ A FIRST, SECOND AND THIRD TIME, and passed in open Council this 18th day of November, 1957.

(Signed):

G. W. BRECKENRIDGE,  
*Cl.-Treasurer.*

CYRIL CLARK,  
*Reeve.*

CHAPTER 131

**An Act respecting The Corporation of  
the Synod of Toronto and Kingston of  
The Presbyterian Church in Canada**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Synod of Toronto Preamble  
and Kingston of The Presbyterian Church in Canada  
Limited, herein called "the company", by its petition has  
represented that it was incorporated by letters patent dated  
the 17th day of December, 1957, as a private company under  
and subject to the provisions of subsection 2 of section 3 of  
*The Corporations Act, 1953*; and that the nature of the work 1953, c. 19  
to be undertaken by it is charitable and not for purposes of  
private gain or profit, namely, to undertake and assist in the  
work of Church Extension of The Presbyterian Church in  
Canada within the bounds of the Synod of Toronto and  
Kingston of the said Church; and that, in order that it may  
effectually carry out its charitable purposes, it is desirable  
that its powers be enlarged, that its objects as set out in the  
letters patent be varied, that certain restrictions be attached  
to the holding and transfer of shares and the distribution of  
assets in the event of the winding-up or dissolution of the  
company, and that it should not be required to use the word  
"Limited" as part of its corporate name but should be per-  
mitted to change its corporate name to "The Corporation of  
the Synod of Toronto and Kingston of The Presbyterian  
Church in Canada"; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

- 1.** Notwithstanding the provisions of the letters patent of  
the company and of *The Corporations Act, 1953*, Company  
powers  
enlarged  
and objects  
varied and  
holding of  
shares  
restricted
- (a) the number of shareholders of the company shall not  
be limited;
  - (b) the company shall not be prohibited from making  
invitation to the public to subscribe for its shares  
or securities;

(c)



- (c) the company shall not be restricted to issuing securities to its shareholders only or to borrowing money on the security of its property from its shareholders only;
- (d) the company shall not be required to use the word "Limited" as part of its corporate name, so that the name of the company shall be "The Corporation of the Synod of Toronto and Kingston of The Presbyterian Church in Canada";
- (e) the objects of the company shall be varied to include the following:
  - (i) to guarantee repayment of money loaned to congregations of The Presbyterian Church in Canada or the trustees thereof or other persons, groups, societies or corporations directly affiliated with and responsible to the Synod of Toronto and Kingston of The Presbyterian Church in Canada, a Presbytery or a congregation thereof, but shall not carry on the business of guarantee insurance,
  - (ii) to receive gifts and donations for the purposes of Church Extension within the bounds of the said Synod;
- (f) no share of the capital stock of the company shall be held by, or in trust for, or be in any way under the control of a person who is not a member of the Synod of Toronto and Kingston of The Presbyterian Church in Canada or a director of the company;
- (g) no person shall be entitled to hold more than one share of the capital stock of the company;
- (h) if any shareholder dies or becomes bankrupt or of unsound mind or ceases to be a member of the Synod, his share shall be transferred to such member of the Synod not then a registered holder of a share of the capital stock of the company as the directors of the company shall by resolution nominate, and, if the share is not so transferred within ten days after notice in writing by the directors to the registered holder thereof or to his personal representatives, as the case may be, of such nomination, the directors shall appoint some person to transfer the share to the nominee at and for the consideration of \$1 to be paid to the registered holder or his personal representatives, as the case may be, and a transfer by

such

such person shall be effective and the transferee shall be registered as the holder of the share and as against the former registered holder and all persons claiming through him shall be absolutely entitled to the same, and after such registration the regularity of the proceedings shall not be questioned;

- (i) no dividends or profits shall be paid in respect of any shares of the capital stock of the company or to the holders thereof and the net profits of the company shall be used solely for the purpose of undertaking and assisting in the work of Church Extension of The Presbyterian Church in Canada within the bounds of the Synod of Toronto and Kingston of the said Church;
- (j) if upon winding-up or dissolution of the company there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the shareholders but shall be given or transferred to The Trustee Board of The Presbyterian Church in Canada to be used for the purposes of the said Church.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Corporation of the Synod of Toronto and Kingston of The Presbyterian Church in Canada Act, 1958.* <sup>Short title</sup>



## CHAPTER 132

# **An Act to incorporate The Society of Directors of Municipal Recreation of Ontario**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the persons named in section 1 by their Preamble petition have represented that they are desirous of being incorporated, together with the members of The Recreation Directors Federation of Ontario, under the name "The Society of Directors of Municipal Recreation of Ontario" for the purposes of increasing the competence, knowledge, skill and status of its members, establishing a high standard of ethical practice for its members, and promoting all things relating to recreation in Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Robert Neale Davidson, Recreation Director, of Society incorporated the Township of Scarborough in the County of York, William John Hare, Recreation Director, of the Township of Toronto in the County of Peel, and Ian McLaren Thomson, Recreation Director, of the Township of Etobicoke in the County of York, and all persons who on the day this Act comes into force are members in good standing of The Recreation Directors Federation of Ontario, and such other persons as hereafter may become members of the Society, are hereby constituted a body corporate and politic under the name "The Society of Directors of Municipal Recreation of Ontario", herein called the "Society".

(2) The head office of the Society shall be at the City of Head Office Toronto in the County of York, until changed by special resolution under *The Corporations Act, 1953*. 1953, c 19

**2.** The objects of the Society shall be to increase the Objects competence, knowledge, skill and status of its members, to establish a high standard of ethical practice for its members and to promote all things relating to recreation in Ontario.

## Membership

**3.** Any person who has met the requirements as prescribed by the by-laws of the Society and provides satisfactory evidence of good character shall be registered as a member of the Society of the class for which he is qualified under the by-laws of the Society.

## Register

**4.—(1)** The Registrar shall enroll in a register provided by the Executive the names of all persons admitted to the Society, and such register shall indicate the class of membership to which each member belongs.

## Idem

**(2)** The Registrar shall keep the register correct in accordance with this Act and the instructions of the Executive.

## Entitlement to privileges of members

**(3)** A person whose name appears in the register shall be entitled to the privileges of the class of membership in respect of which he is registered and no person whose name does not appear in the register shall be entitled to any of the privileges of membership in the Society.

## Certificate of membership, issue

**5.—(1)** The Registrar shall issue to each member admitted to the Society a certificate of membership, signed by the President or Vice-President and by the Registrar, bearing the seal of the Society and indicating the class of membership to which the member belongs.

## to be displayed

**(2)** Every member shall keep his certificate of membership prominently displayed in his office or place of practice.

## Property of society

**(3)** Every certificate of membership shall be the property of the Society and shall be returned forthwith by the member to the Society when his membership ceases.

## Non-payment of fees

**6.—(1)** Where the annual fee of any member is not paid within one month from the date upon which it becomes due, the Registrar shall send a written notice of such default by registered mail to the member's last known address as shown in the register and if payment is not made within one month thereafter the Registrar, upon the direction of the Executive, shall cause the name of the member to be erased from the register and thereupon the member shall cease to be a member.

## Re-admission

**(2)** Any person, who ceases to be a member by reason of non-payment of fees or by reason of resignation, upon payment of all cumulative fees in arrears and upon production of evidence of good faith satisfactory to the Executive shall be re-admitted as a member.



**7.**—(1) There shall be an executive of the Society, herein <sup>Executive</sup> called the Executive, which shall control and manage the affairs of the Society.

(2) The Executive shall consist of eight members all of <sup>Composition</sup> whom shall be of the full age of twenty-one years or more and shall hold the qualifications required by the by-laws, of whom seven shall be elected at the annual meeting of the Society by vote of the members entitled to vote at general meetings of the Society, and the eighth member shall be the most immediate past president of the Society who has not been elected at the annual meeting as one of the seven elected members.

(3) Any member of the Executive shall be eligible for <sup>Eligibility</sup> re-election.

(4) In the case of the death, resignation or incapacity of <sup>Vacancies</sup> any member of the Executive, the office may be declared vacant by the Executive and the Executive may fill the vacancy in such manner as the by-laws may provide.

**8.**—(1) There shall be a President, a Vice-President, a <sup>Officers</sup> Recording Secretary, a Corresponding Secretary and a Treasurer of the Society, who shall be elected by the Executive from among the seven elected members immediately following their election.

(2) The Executive shall appoint a Registrar of the Society, <sup>Registrar</sup> who may be a member of the Executive and who shall hold office according to the by-laws of the Society.

(3) The Executive may appoint such other officers as <sup>Other officers</sup> may be provided for by the by-laws of the Society.

(4) The Executive shall appoint a Board of Regents of <sup>Board of Regents</sup> the Society in accordance with the by-laws of the Society.

**9.** The Society may acquire, by purchase, lease, gift or <sup>Real and personal property</sup> otherwise, and hold real and personal property for its purposes, and may sell, alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

**10.**—(1) The Executive may pass by-laws, not contrary <sup>By-laws</sup> to law or to this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, and specifically may pass by-laws providing for:

- (a) the admission, qualifications, registration and classification of members, and prescribing the privileges

of

of the members of the respective classes, including the classes of which the members shall be entitled to use the designation "Registered Director of Municipal Recreation" and the initials "R.D.M.R.", and the classes of which the members shall be entitled to vote;

- (b) the prescribing of a code of ethics;
- (c) the government and discipline of members, including the suspension or expulsion of any member for misconduct or violation of this Act or the by-laws of the Society;
- (d) the keeping of a register of members and the conditions and procedure of registration and renewal thereof, and the cancellation or suspension of membership and registration;
- (e) the fixing, levying and collecting of fees payable upon application for registration, registration, renewal of registration or trial of examinations, and prescribing the penalties for failure to pay such fees;
- (f) the election of the Executive and the qualifications, remuneration and reimbursement of its members and the powers, duties and responsibilities of the Executive and its members;
- (g) the appointment and composition of the Board of Regents, and the remuneration and reimbursement of its members and the powers, duties and responsibilities of the Board of Regents and its members;
- (h) the election or appointment of the officers of the Society and their powers, duties, responsibilities, remuneration and reimbursement;
- (i) the composition of standing and other committees of the Society and the remuneration and reimbursement of their members and the powers, duties and responsibilities of the respective committees and their members;
- (j) the fixing of dates and places of meetings of the Society and the Executive and prescribing the manner of calling and conducting such meetings and prescribing the quorum for the purpose of any such meeting;

(k)

- (k) the form and use of the seal of the Society;
- (l) the management of the property of the Society;
- (m) the establishment of scholarships, bursaries and prizes;
- (n) instituting and providing means for increasing the competence, knowledge, skill and status of the members of the Society and promoting all things relating to recreation in Ontario;
- (o) the application of the funds of the Society for the purposes aforesaid and for the furtherance of its objects, and for the investment of its funds not immediately required for its purposes in securities authorized by law for the investment of trust moneys;
- (p) forms for use under this Act and the by-laws of the Society;
- (q) any other matter deemed necessary or advisable for the management of the Society and the conduct of its business.

(2) No by-law shall come into force until approved at an annual general or special meeting of the Society. Approval of by-laws

**11.** Any surplus moneys derived from carrying on the affairs and business of the Society shall be devoted solely to promoting and carrying out its objects and shall not be divided among its members. Surplus

**12.—(1)** Every member of the Society of the classes prescribed by the by-laws of the Society as having such privilege shall have the right to use the designation "Registered Director of Municipal Recreation" and may use the initials "R.D.M.R." indicating that he is a registered director of municipal recreation. Designation

(2) Any person who, not being a member of the Society of a class prescribed by the by-laws of the Society as having such privilege, takes or uses the designation "Registered Director of Municipal Recreation" or the initials "R.D.M.R.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Society of such a class, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for each offence. Offence and fine

(3) All fines recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Society. Fines payable to Society

Application  
of Act

**13.** Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Executive pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relative to the practice of any profession or calling.

Provisional  
Executive,  
Board of  
Regents and  
Officers

**14.**—(1) The executive of The Recreation Directors Federation of Ontario, the Board of Regents thereof, and the officers thereof, in office on the day this Act comes into force, shall be the provisional Executive, provisional Board of Regents and provisional officers respectively of the Society until their successors are elected or appointed in accordance with this Act and the by-laws of the Society.

Provisional  
constitution  
and by-laws

(2) The constitution and by-laws of The Recreation Directors Federation of Ontario shall, except in so far as they may conflict with this Act, be the provisional by-laws of the Society until replaced at the general meeting provided for in subsection 3.

First general  
meeting

(3) The provisional Executive, within six months after the day this Act comes into force, shall call a general meeting of the members of the Society for the purposes of organization, of approving general by-laws and of electing the elective members of the Executive.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Directors of Municipal Recreation Act, 1958*.



## CHAPTER 133

## An Act respecting the Town of Eastview

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Town of Eastview, Preamble  
herein called the Corporation, by its petition has represented that it has incurred a floating debt of \$565,497 which has arisen by the accumulation of deficits over the last five years and, while the Corporation proposes to endeavour to reduce its annual expenditure so that the same may conform to its annual receipts, that to pay off such indebtedness forthwith, in addition to meeting the current annual expenses, would be unduly burdensome on the ratepayers of the Town of Eastview, and has prayed that the floating debt may be consolidated and that the Corporation may be authorized to borrow money by the issue of debentures to pay off the floating debt; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The floating debt of the Corporation is consolidated at the sum of \$485,000 and the Corporation may borrow by <sup>Floating debt,</sup> debentures a special issue of debentures a sum not exceeding \$485,000 for the purpose of paying a part of the floating debt, and shall provide the sum of \$80,497 in the 1958 tax levy, which sum shall be used for the purpose of paying the balance of the floating debt.

2. The debentures shall be in sums of not less than \$100 <sup>Debentures</sup> each and shall be made payable in not more than ten years from the date of issue thereof and shall bear interest at a rate not exceeding  $5\frac{1}{2}$  per cent per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the Corporation may deem expedient.

3. The debentures shall be payable in equal annual instal- <sup>Idem</sup>ments of principal and interest in such manner and in such amounts that the amount payable for principal and interest

in



in any year shall be equal as nearly as may be to the amount which is payable for principal and interest during each of the other years of the period within which the floating debt is to be discharged.

Annual  
levy

**4.** The Corporation shall levy in each year during the period within which the floating debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due on the debentures.

Application

**5.** The debentures and all moneys arising from the sale thereof shall be applied in payment of the floating debt and for no other purpose.

Assent of  
electors not  
required

**6.** It shall not be necessary to obtain the assent of the electors to any by-law passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

R.S.O. 1950,  
c. 243

Application  
of R.S.O.  
1950, c. 262,  
ss. 61, 67, 68

**7.** Sections 61, 67 and 68 of *The Ontario Municipal Board Act* shall not apply in respect of debentures issued under a by-law passed under this Act.

Approval of  
Department

**8.** No by-law providing for the issue of debentures under the authority of this Act shall be passed without the approval of the Department of Municipal Affairs.

Irregularities  
not to  
invalidate

**9.** No irregularity in the form of the debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the debentures or interest or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Town of Eastview Act, 1958*.

## CHAPTER 134

## An Act respecting the Town of Fort Frances

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Town of Fort Frances by its petition has represented that it is desirous of providing greater benefits for employees of the Corporation and that it is desirable that powers additional to those provided by paragraph 48 of section 386 of *The Municipal Act* be obtained, and has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition; Preamble  
R.S.O. 1950,  
c. 243

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of The Corporation of the Town of Fort Frances, in addition to the powers contained in paragraph 48 of section 386 of *The Municipal Act*, may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of the Corporation or any local board thereof, or any class of employees and their wives and children. Pensions

(2) Subsection 1 of section 300 of *The Municipal Act* shall not apply to any such by-law or to any debt created thereby. R.S.O. 1950,  
c. 243,  
s. 300 (1)  
not  
applicable

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Town of Fort Frances Act, 1958*. Short title



## CHAPTER 135

**An Act respecting the City of Fort William**

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Fort William Preamble  
 by its petition has represented that it has by By-law  
 No. 3915 provided pensions for full-time employees of the  
 Corporation, which by-law was passed pursuant to the pro-  
 visions of *The Municipal Act* which permit only the providing R.S.O. 1950,  
 of such pensions by contract either with Her Majesty in c. 243  
 accordance with the *Government Annuities Act* (Canada) or R.S.C. 1952,  
 with an insurer licensed under *The Insurance Act*, or with both c. 132;  
 Her Majesty and an insurer, and that it considers that in R.S.O. 1950,  
 order to provide greater benefits for such employees it is c. 183  
 desirable that additional power be conferred upon the council  
 of the Corporation; and whereas the petitioner has prayed  
 for special legislation with respect to such matter; and whereas  
 it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.**—(1) In addition to its powers under paragraph 48 of Pensions  
 section 386 of *The Municipal Act*, the council of The Cor-  
 poration of the City of Fort William may pass by-laws with  
 the approval of the Department of Municipal Affairs for  
 providing pensions for employees of the Corporation or any  
 local board thereof, or any class of employees and their wives  
 and children.

(2) Subsection 1 of section 300 of *The Municipal Act* shall Application  
 not apply to any by-law passed under this section or to any of R.S.O.  
 debt incurred thereby. 1950, c. 243

**2.** This Act comes into force on the day it receives Royal Commence-  
 Assent. ment

**3.** This Act may be cited as *The City of Fort William Act*, Short title  
 1958.





## CHAPTER 136

# An Act respecting the Estate of Melville Ross Gooderham, the Kathleen Isabel Drope Trust and the Charlotte Ross Grant Trust

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Canada Permanent Trust Company, <sup>Preamble</sup> William James Grant and Geoffrey Byrne Beatty by their petition have represented that, as executors and trustees of the estate of the late Melville Ross Gooderham, trustees of the Kathleen Isabel Drope Trust and trustees of the Charlotte Ross Grant Trust, they hold 68,000 shares in the capital stock of The Manufacturers Life Insurance Company and by the terms of the last will and testament of Melville Ross Gooderham and of the indentures dated the 15th day of December, 1933, as amended by indentures dated the 11th day of December, 1940, constituting the said Trusts certain restrictions are imposed on the sale of the said shares; and whereas the executors and trustees have prayed for special legislation authorizing them to sell all of the said shares to The Manufacturers Life Insurance Company pursuant to a plan for the mutualization of the Company; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding anything contained in the last will <sup>Power</sup> and testament of Melville Ross Gooderham and in the <sup>to sell</sup> indentures constituting the Kathleen Isabel Drope Trust and the Charlotte Ross Grant Trust, the executors and trustees may sell all of the said shares in the capital stock of The Manufacturers Life Insurance Company to the Company at the price of \$275 per share on such terms and conditions as to payment thereof as the executors and trustees may approve, pursuant to and in accordance with a plan for the mutualization of The Manufacturers Life Insurance Company under the provisions of the *Canadian and British Insurance Companies Act* (Canada). <sup>R.S.C. 1952, c. 31</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The M. R. Gooderham Estate* <sup>Short title</sup> *et al Act, 1958.*



## CHAPTER 137

**An Act respecting  
the Township of Grantham**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Township of Grantham by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Notwithstanding subsection 1 of section 53 of *The Municipal Act* and notwithstanding any other general or special Act, the council of the Township of Grantham shall consist of a reeve, deputy reeve and seven councillors, and they shall all be elected by general vote. Composition  
of council  
R.S.O. 1950,  
c. 243

(2) Subsection 1 shall apply to the council for the year 1959 and for all subsequent years. Effective  
date

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Township of Grantham Act, 1958*. Short title



## CHAPTER 138

## An Act respecting the City of Hamilton

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) In this section,

Interpre-  
tation

- (a) "Corporation" means The Corporation of the City of Hamilton;
- (b) "Council" means the Council of the Corporation;
- (c) "motor vehicle" means automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (d) "Parking Authority" means The Parking Authority of the City of Hamilton;
- (e) "Treasurer" means Treasurer of the Corporation.

(2) The Council may pass by-laws,

- (a) to authorize the Parking Authority to lease from Parking  
Authority,  
by-laws re any person lands, buildings or structures or any part thereof for the purpose of providing facilities where vehicles may be parked and any purpose incidental thereto;
- (b) to authorize the Parking Authority to lease to any person,
  - (i) lands, buildings or structures or any part thereof under its control for the purpose of parking vehicles and any purpose incidental thereto, and

(ii)



- (ii) for commercial use, buildings or structures or any part thereof under its control;
- (c) to authorize the Parking Authority to grant to any person the right,
  - (i) to sell gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, lights, spark plugs and batteries for vehicles,
  - (ii) to make minor repairs or running repairs essential to the actual operation of vehicles, and
  - (iii) to wash and clean vehicles,
- in, on or under lands, buildings or structures or any part thereof under its control or leased by it to any person;

(d) to provide,

R.S.O. 1950,  
c. 243

- (i) that the three persons qualified under *The Municipal Act* to be appointed to the Parking Authority are to serve at the pleasure of the Council for periods of three years, four years and five years respectively, and
  - (ii) that persons to be appointed by the Council to the Parking Authority are to be appointed upon a recommendation of the Board of Control and upon a two-thirds affirmative vote of all the members of the Council present and voting; and
- (e) to empower the Parking Authority,
- (i) to do all things necessary to operate, control, manage and maintain lands, buildings or structures under its control,
  - (ii) to pass regulations for the regulation, government and supervision of lands, buildings or structures under its control and for prohibiting the use of any such lands, buildings or structures for any purpose, but the power, right, authority and privileges of the Council under clause *b* of paragraph 52 of section 386 of *The Municipal Act* shall not be transferred to the Parking Authority, and

(iii)

- (iii) to employ such technical and clerical assistants as are necessary for the operation, management, control and maintenance of the lands, buildings or structures under its control and to extend to such clerical and technical staff such fringe benefits as may be extended by a by-law of the Council passed under *The Municipal Act*. R.S.O. 1950,  
c. 243

(3) The Parking Authority,

Estimates  
and  
expenditures

- (a) shall submit to the Council its current estimates of revenues and expenditures for the year at the time and in the form prescribed by the Council; and

- (b) may requisition the Council,

- (i) for any moneys required, for the purposes described in clause *e* of paragraph 52 of section 386 of *The Municipal Act*, from the Reserve Fund established by the Council under clause *d* of paragraph 52 of section 386 of *The Municipal Act*, and

- (ii) to raise moneys on behalf of the Parking Authority by the issuance of debentures or otherwise for the acquisition of lands and the construction of parking facilities, but the power, right and authority of the Council to acquire lands and to take the conveyance of lands in the name of the Corporation for parking facilities shall not be transferred to the Parking Authority,

and when the moneys are so provided by the Council, the Treasurer shall pay out such moneys to the Parking Authority.

- (4) The moneys deposited in the Reserve Fund established under clause *d* of paragraph 52 of section 386 of *The Municipal Act* shall be allocated by the Council for the purposes described in subclause ii of clause *e* of paragraph 52 of section 386 of *The Municipal Act* only upon obtaining the approval of the Parking Authority. Approval

- (5) Where regulations are passed by the Parking Authority, the provisions thereof are enforceable by the Parking Authority in the same manner as a by-law passed by the Council under *The Municipal Act* and clause *c* of paragraph 52 of section 386 and section 492 of *The Municipal Act* apply *mutatis mutandis* thereto. Regulations  
enforceable

Provisions  
deemed to  
prevail  
R.S.O. 1950,  
c. 243

(6) This section shall not be deemed to repeal or exclude the application of paragraphs 52 and 52*a* of section 386 of *The Municipal Act* to the Corporation or to the Parking Authority, but, where the provisions of this Act are inconsistent with the provisions of *The Municipal Act*, the provisions of this Act shall be deemed to prevail.

Interpre-  
tation

**2.—(1)** In this section, “external design” includes the cost, colour, type of construction and materials, height, bulk, massing, location, size, floor area, spacing, distance from street lines, character, scale and proportion, fenestration and use of, and landscaping of lands around, buildings, structures, signs or other appendages or appurtenances.

By-laws re  
buildings,  
etc.

(2) The Council of The Corporation of the City of Hamilton may pass by-laws,

(a) regulating,

- (i) the external design of any building, structure, sign, appendage or appurtenance in any defined area or areas or upon land abutting on or adjoining any defined highway or part of a highway, and
- (ii) the placing of street furniture upon the untravelled portion of any highway abutting on or adjoining such lands in any defined area or areas;

(b) prohibiting,

- (i) the erection or alteration of any building, structure, sign, appendage or appurtenance in any defined area or areas or upon land abutting on or adjoining any defined highway or part of a highway, and
- (ii) the placing of street furniture upon the untravelled portion of any highway abutting on such lands,

unless a certificate of approval of the plans and specifications of the external design has first been issued by the committee appointed by the Council; and

- (c) appointing a committee to be called the Architectural Review Committee to which committee the Council may delegate such powers as it considers necessary for the administration, implementation and enforcement of by-laws passed under clause *a* or *b*, or both.

(3) No by-law passed under subsection 2 or any by-law repealing or amending such by-law shall come into force without the approval of the Ontario Municipal Board. Approval of Municipal Board

(4) The Architectural Review Committee may, with the approval of the Council, refuse to issue a certificate of approval under a by-law passed under clause *a* of subsection 2 on any ground relating to the external design of the building, structure, sign, appendage or appurtenance whether or not a by-law has been passed under clause *b* of subsection 2. Power to refuse certificate of approval

(5) No permit to erect any building, structure, sign, appendage or appurtenance referred to in subsection 2 shall be issued under any by-law heretofore or hereafter passed by the Council of the Corporation under *The Municipal Act* unless the applicant for such permit has first obtained a certificate of approval from the Architectural Review Committee as required by this section, but that committee may refuse a certificate only upon receiving the approval of the Council to such refusal. Certificate of approval necessary for permit R.S.O. 1950, c. 243

(6) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*. By-laws enforceable

(7) An appeal shall lie to the Ontario Municipal Board from a decision of the Council or the Architectural Review Committee or from any neglect or refusal of the Council or the Committee to deal with any application where notice thereof is served upon the Ontario Municipal Board and the clerk of the Corporation within ten days of receiving notice of the decision of the Council or the Committee, and the decision of the Ontario Municipal Board is final. Appeal

**3.** The Council of The Corporation of the City of Hamilton may pass a by-law authorizing the conveyance for the sum of \$1 to the Incumbent and Church Wardens of the Church of Saint Margaret, in the Parish of Saint Margaret in the Diocese of Niagara, of the lands described as all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton (formerly in the Township of Ancaster) in the County of Wentworth and being composed of Lots Nos. 70 and 71, on the west side of Emerson Street, according to Mary C. Burke's plan of subdivision of part of the Gore of Ancaster, known as "West Hamilton Annex" made by E. G. Barrow, O.L.S., and registered in the Registry Office for the County of Wentworth on the 17th day of October, 1908, as No. 426. Conveyance of land authorized



Grants to  
Board of  
Education

4. The Council of The Corporation of the City of Hamilton may pass by-laws,

- (a) authorizing a grant or grants to The Board of Education for the City of Hamilton of a sum or sums of money to be expended by the Board for auditorium purposes,

- (i) at the Westdale Secondary School, and

- (ii) at the Delta Secondary School,

but such a grant or grants are to be subject to such terms and conditions as may be agreed upon by the Board and by the Council; and

- (b) authorizing the raising of money by the issue of debentures or otherwise of the Corporation for the purposes described in this section.

1951, c. 103,  
s. 1, subs. 1,  
amended

5.—(1) Subsection 1 of section 1 of *The City of Hamilton Act, 1951* is amended by striking out "and" at the end of clause *o* and by adding thereto the following clauses:

- (q) for prohibiting,

- (i) the manufacture of any explosive within the municipality or any defined area thereof other than such kinds and quantities as may be prescribed in the by-law,

- (ii) the transporting, storing, keeping, having or using of any explosive in the municipality other than such kinds and quantities as may be prescribed in the by-law, and

- (iii) the transporting, storing, keeping, having or using of any explosive in the municipality without a licence;

- (r) for,

- (i) examining, licensing, regulating and governing persons who transport, store, keep, have or use any explosive in the municipality,

- (ii) prescribing the terms and conditions under which and the manner in which any explosive may be transported, stored, kept, had or used in the municipality, and

(iii)



(iii) requiring permits to be obtained from the Building Commissioner for the storage and use of any explosive and for its transportation to and the handling of and the temporary storage of at the site of its proposed use; and

(s) providing for an appeal from an order of the Medical Officer of Health of the City of Hamilton made pursuant to By-law No. 4798, entitled "Respecting Conditions Which May Be or Become Injurious to Health", and amendments thereto, in the same manner as appeals are provided for under section 31 of *The Public Health Act*.

R.S.O. 1950,  
c. 306

(2) The said section 1 is amended by adding thereto the following subsection:

1951, c. 103,  
s. 1,  
amended

(2a) For the purposes of clauses *g* and *r* of subsection 1, "explosive" includes gunpowder, blasting powder, nitroglycerine, guncotton, dynamite, blasting gelatine, gelignite, fulminate of mercury or of other metals, fuses, percussion caps, detonator caps, detonator cartridges and other such explosive substances and devices, but does not include small arms ammunition or fireworks in retail quantities.

Interpre-  
tation

(3) Subsection 4 of the said section 1 is amended by striking out "\$50" in the fifth line and inserting in lieu thereof "\$300".

1951, c. 103,  
s. 1, subs. 4,  
amended

**6.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**7.** This Act may be cited as *The City of Hamilton Act, 1958*.

Short title



CHAPTER 139

An Act respecting Huron College

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS Huron College by its petition has represented Preamble  
that it was incorporated by *An Act to incorporate "Huron College"*, being chapter 31 of the Statutes of the Province of Canada passed in the year 1863 (26 Victoria) and has prayed for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,

  - (a) "College" means Huron College;
  - (b) "Corporation" means Huron College Corporation;
  - (c) "Council" means Academic Council of Huron College;
  - (d) "Executive Board" means Executive Board of Huron College;
  - (e) "property" includes all property both real and personal;
  - (f) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, or any undivided shares thereof and any estate or interest therein.

Interpreta-  
tion

**2.** The College named "Huron College", its council and all other attributes thereof, are, and each of them is, subject Huron  
College  
continued to the provisions of this Act, hereby continued and shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy.

Appoint-  
ments,  
statutes, etc.,  
continued

**3.** All appointments, statutes, constitutions and regulations in and affecting the College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Corporation.

Proceedings  
by or  
against  
College

**4.** All proceedings by or against the College may be had and taken in the name of "Huron College".

Property  
in trust  
vested in  
Corporation

**5.** All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation to, in trust for, or for the benefit of, the College or any faculty or department thereof, or otherwise in connection therewith, subject to the trust affecting the same, shall be vested in the Corporation.

Application  
of statute of  
limitations  
to property

**6.** All real property vested in the Corporation shall, as far as the application thereto of any statute of limitations is concerned, including any statute limiting or defining the period for investigation of titles, be deemed to have been and to be real property vested in the Crown for the public uses of the Province of Ontario.

Land vested  
in Corpora-  
tion not  
liable to  
expropria-  
tion

**7.** The real property vested in the Corporation shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Huron  
College  
Corporation

**8.—(1)** The council of the College is hereby constituted a body corporate and politic by the name and style of "Huron College Corporation".

Composition

**(2)** The Corporation shall consist of,

- (a) the Bishop of Huron, any Coadjutor or Suffragan Bishop of Huron and the Principal of Huron College, who shall be *ex officio* members;
- (b) four clergymen and four laymen elected by the Synod of the Diocese of Huron;
- (c) not more than ten members elected by the Alumni Association of Huron College in such manner as the Corporation shall determine; and

(d)

- (d) eight members elected by the members of the council of Huron College as it existed immediately prior to the coming into force of this Act, other than members elected by the Synod of the Diocese of Huron and by the Alumni Association of Huron College and, on the expiration of the term of office or on the death of any member so elected, the remaining members of the Corporation shall elect their successors.

(3) In the event of an equality of votes in any such election, <sup>Casting vote</sup> the Bishop of Huron has a casting vote.

(4) The *ex officio* and elected members shall appoint <sup>Appointed members</sup> twelve members, ten of whom shall be laymen, who shall also be members of the Executive Board.

**9.**—(1) No person shall be eligible for election to the <sup>Eligibility</sup> Corporation under clauses *b* and *d* of subsection 2 of section 8 whose customary place of residence is not within the Diocese of Huron.

(2) No person shall be eligible for election under clause *c* <sup>Idem</sup> of subsection 2 of section 8 who is not an alumnus of Huron College and whose customary place of residence is not within the Province of Ontario.

(3) No person shall be eligible for appointment under <sup>Idem</sup> subsection 4 of section 8 whose customary place of residence is not within the Diocese of Huron.

**10.**—(1) Subject to subsection 2, an elected member of <sup>Term of office</sup> the Corporation shall hold office for a term of four years, shall hold office until his successor is elected, and shall be eligible for re-election from time to time.

(2) No member who has served three consecutive terms <sup>Eligibility for re-election</sup> shall be eligible for re-election until at least one year has elapsed after the termination of the third of such terms.

(3) At the first election of members after the coming into <sup>First election</sup> force of this Act, the Synod of the Diocese of Huron shall elect two clergymen and two laymen as members for a two-year term, and two clergymen and two laymen for a four-year term.

**11.**—(1) A member appointed to the Corporation under <sup>Term of office of appointed members</sup> subsection 4 of section 8 shall hold office for a term of six years, shall hold office until his successor is appointed, and

after



after at least one year has elapsed after the termination of his previous term of office shall be eligible for re-appointment from time to time.

First  
appointment

(2) At the first appointment of members under subsection 4 of section 8 after the coming into force of this Act, the *ex officio* and elected members of the Corporation shall appoint four members for a two-year term, four members for a four-year term and four members for a six-year term.

Time for  
first  
elections  
and  
appoint-  
ments

**12.** The first election and appointment of members shall take place not more than six months after the coming into force of this Act, and shall thereafter take place at two-year intervals as close as may be to the commencement of the academic year in each year in which members are elected or appointed.

Vacancies

**13.**—(1) If a member of the Corporation during his term of office ceases to be eligible as a member, or becomes mentally incapacitated, or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and it shall be the duty of the Corporation by resolution to declare his membership vacant.

Absence  
from  
meetings

(2) If an elected or appointed member is absent from three consecutive meetings without leave of the Corporation entered on its minutes, he shall *ipso facto* vacate his office, and it shall be the duty of the Corporation by resolution to declare his membership vacant.

Proof

(3) A resolution passed under this section entered in the minutes of the Corporation shall be conclusive evidence of the vacancy declared therein.

Filling  
vacancy

**14.** Where a vacancy on the Corporation occurs before the expiration of the term of office for which a member has been appointed or elected, the vacancy shall, subject to clause *d* of subsection 2 of section 8, be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership became vacant.

Quorum

**15.** Fifteen members, not including *ex officio* members, shall constitute a quorum of the Corporation.

Twenty-one  
members  
may  
exercise  
powers

**16.** Notwithstanding any vacancies, so long as there are at least twenty-one members, not including *ex officio* members, the Corporation may exercise all or any of its powers.

**17.—**(1) The Corporation shall have power,Powers of  
Corporation

- (a) to repeal, alter, modify or amend any constitution, by-law, resolution or regulation governing the College heretofore passed, enacted or adopted;
- (b) to make regulations pertaining to the Corporation and its transactions;
- (c) to appoint committees including a committee to make recommendations with respect to the conferring of honorary degrees in divinity, and to confer on any such committee authority to act for the Corporation with respect to any matter within its power;
- (d) to confer Bachelor, Master and Doctor degrees in divinity as well as diplomas and certificates in divinity;
- (e) to confer honorary degrees in divinity;
- (f) to appoint not more than twenty-four honorary members of the Corporation and not more than twenty-four honorary Fellows of Huron College to hold office for such terms respectively as the Corporation may from time to time determine, and any person so appointed shall be eligible for re-appointment on the expiration of his term, provided that an honorary member of the Corporation so appointed shall not be entitled to vote in the proceedings of the Corporation;
- (g) to provide for the affiliation of the College with any other institution of higher learning, and for the dissolution of any such affiliation or of any existing affiliation;
- (h) to adopt a corporate seal.

(2) The Corporation shall meet at least twice a year to Meetings  
receive the report of the Executive Board.

**18.—**(1) There shall be a chairman of the Corporation <sup>Chairman</sup>  
elected by the Corporation from among its members other  
than *ex officio* members.

(2) No person shall hold the office of Chairman of the <sup>Qualification</sup>  
Corporation who is not a British subject and whose customary  
place of residence is not within the Province of Ontario.

Eligibility  
of staff

(3) No person shall hold the office of Chairman of the Corporation who is a member of the teaching or administrative staff of the College, or is one of its employees, or who is the employee of or a member of the governing body of any other degree-granting body.

Term of  
office

(4) The Chairman of the Corporation shall hold office for a term of four years commencing with the date of his election, and continuing thereafter until his successor is elected.

Vacancy

(5) If the Chairman of the Corporation during his term of office ceases to be eligible as chairman or becomes mentally incapacitated or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Corporation and entered in its minutes shall be conclusive evidence thereof.

Duties of  
Chairman

**19.** The Chairman of the Corporation shall preside at all meetings of the Corporation and at all convocations, and shall admit to degrees, titles and diplomas such candidates, including the recipients of honorary degrees, as may be qualified under the terms of this Act.

Absence of  
Chairman,  
etc.

**20.** In the case of the absence or illness of the Chairman of the Corporation, or of a vacancy in that office, the Bishop of Huron, or, if he is absent, the Vice-Chairman of the Corporation, shall preside at all meetings of the Corporation or, in the case of the absence or illness of the Bishop of Huron and of the Vice-Chairman of the Corporation, the Corporation may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the Chairman of the Corporation.

Vice-  
Chairman

**21.—(1)** There shall be a vice-chairman of the Corporation elected by the Corporation from among its members other than *ex officio* members.

Qualifica-  
tions, etc.

(2) The office of Vice-Chairman of the Corporation shall be subject to the same qualifications or eligibility, tenure and termination of office as provided with respect to the office of Chairman of the Corporation.

Duties

(3) In the absence of the Chairman of the Corporation or there being a vacancy in that office, the Vice-Chairman of the Corporation shall, in addition to presiding at meetings of the Corporation, preside at convocation.

Absence

(4) In the absence of both Chairman and Vice-Chairman of the Corporation, or if both offices are vacant, the duties

of the Chairman of the Corporation at convocation shall be performed by the Principal or by a member of the faculty of the College appointed by the Principal for that purpose.

**22.** There shall be an Executive Board of the College to consist of the Bishop of Huron, any Coadjutor or Suffragan Bishop of Huron, the Chairman of the Corporation, the Principal and twelve members appointed as provided in subsection 4 of section 8. Executive Board

**23.** If any appointed member of the Executive Board is absent from three consecutive meetings without leave of the Executive Board entered on its minutes, he shall *ipso facto* vacate his office and it shall be the duty of the Executive Board by resolution to declare his membership vacant, and any such resolution shall *ipso facto* vacate the membership of such person as a member of the Corporation. Absence from meetings

**24.** Where a vacancy on the Executive Board occurs before the expiration of the term of office for which a member has been appointed, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed, and the member so appointed shall hold office for the remainder of the term of office of the member whose membership became vacant. Filling vacancies

**25.**—(1) The Bishop of Huron shall be Chairman of the Executive Board, and in the case of the absence or illness of the Bishop of Huron, the Coadjutor or Suffragan Bishop shall act as Chairman, and in the case of the absence or illness of the Bishop of Huron and of the Coadjutor or Suffragan Bishop of Huron, the Executive Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all powers of the Chairman of the Executive Board. Chairman

(2) The Comptroller, Bursar or other senior financial officer of the College shall be Secretary of the Executive Board but shall not be entitled to vote at proceedings thereof. Secretary

**26.** Six members, not including *ex officio* members, shall constitute a quorum of the Executive Board. Quorum

**27.** Notwithstanding any vacancies, so long as there is a quorum of members, the Executive Board may exercise all or any of its powers. Quorum may exercise powers

**28.** The Executive Board shall report at least twice a year to the Corporation. Report



Power of  
Executive  
Board to  
make  
regulations

**29.**—(1) The Executive Board shall have power to make regulations,

- (a) pertaining to the meetings of the Executive Board and its transactions; and
- (b) providing for the appointment of committees and for the conferring on any such committees of authority to act for the Executive Board with respect to any matter within its power.

Powers of  
Executive  
Board

(2) The Executive Board shall have power,

- (a) to appoint the Principal of the College, the deans, the professors and all other members of the teaching staff of the College, the Bursar and all other officers, clerks and other employees, as the Executive Board may think necessary for the purposes of the College, to fix their salaries and remuneration, and to determine by written contract or otherwise their tenure of office, and to provide for the retirement and superannuation of such personnel;
- (b) except in such matters as are specifically reserved to the Corporation, to act on behalf of and in the name of the Corporation and on behalf of and in the name of the College, and to appoint by resolution or otherwise a member or members of the Executive Board or any other person or persons to execute on behalf of the Executive Board, on behalf of the Corporation, or on behalf of the College, either documents or other instruments in writing generally or specific documents or other instruments in writing, and to affix the seal of the Corporation;
- (c) to establish departments and chairs in any subjects taught in the College;
- (d) to enter into agreements for the founding, establishment or maintenance of chairs, scholarships, prizes, bursaries and other awards;
- (e) to provide for the management, government and control of the buildings, residences, and other properties operated and maintained by the College;
- (f) to fix the fees to be paid for instruction in faculties and courses, for all ancillary activities, and for examinations, degrees, titles and diplomas;

(g)



- (g) to sell any of the real property vested in the Corporation or lease the same for any period of years with such right of renewal and under and subject to such rents, covenants, agreements and conditions as the Executive Board may see fit;
- (h) to dedicate real property vested in the Corporation for public highways and other public purposes on such terms and conditions as the Executive Board may see fit;
- (i) to expend such funds as the Executive Board may deem necessary for the support and maintenance of the College, and for the betterment of existing buildings, and the erection of such new buildings as the Executive Board may deem necessary for the use and purposes of the College and for the furnishing and equipment of such existing and newly-erected buildings;
- (j) subject to the limitations imposed by any trust, to invest all such money as shall come to the College in such manner as the Executive Board shall see fit, within, however, the category of investments permitted from time to time as investments for the assets of Canadian life insurance companies;
- (k) to purchase, assume and hold by gift or devise real property for the purposes of the College without licence in mortmain;
- (l) to purchase and acquire all such property as the Executive Board may deem necessary for the purposes of the College, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Council which is under lease;
- (m) to borrow from time to time from banks or elsewhere, on such terms as may be agreed on, such sums of money as may be required for the purposes of the College;
- (n) to deal with any matter that may be referred to it by the Corporation.

**30.** All powers over, in respect of or in relation to the College, its properties, employees, personnel and students, which are not by the terms of this Act directed to be exercised by any other person or body of persons, shall be vested in the Executive Board.

Residual  
powers of  
Executive  
Board

Academic  
Council

**31.** There shall be an Academic Council of the College to consist of,

- (a) the Principal and the professors of the College, who shall be *ex officio* members;
- (b) nine members elected by the associate professors, assistant professors and other members of the teaching staff, other than professors, from their number; and
- (c) the members, being not more than one-half the number of members provided for in clauses *a* and *b*, appointed by those members of the Corporation who are not professors, associate professors, assistant professors, or other members of the teaching staff of the College.

Term of  
office of  
elected  
members

**32.**—(1) Elected members of the Council shall hold office for a term of three years, provided that, at the first election of members after the coming into force of this Act, three members shall be elected for a one-year term, three members shall be elected for a two-year term and three members shall be elected for a three-year term, and any such elected member shall cease to hold office when he ceases to be a member of the teaching staff of the College.

Term of  
office of  
appointed  
members

(2) The members of the Corporation appointed to the Council shall hold office for a term of one year and shall be eligible for re-appointment, and any such appointed member shall cease to hold office when he ceases to be a member of the Corporation.

Chairman

**33.**—(1) The Principal shall be Chairman of the Council.

Secretary

(2) The Registrar shall be the Secretary of the Council and, in the case of the absence or illness of the Registrar, the Council may appoint one of its members to act as secretary *pro tempore*, and the member so appointed shall act as and have all the powers of the Secretary of the Council.

Quorum

**34.** A majority of its members shall constitute a quorum of the Council.

Exercise of  
powers

**35.** Notwithstanding any vacancies, so long as at least one-half of its members remain in office, the Council may exercise all or any of its powers.

Power of  
council to  
make  
regulations

**36.** The Council shall have power to make regulations pertaining to its meetings and its transactions.

**37.** Subject to the provisions of any affiliation agreement <sup>Powers of Council</sup> from time to time in existence, the Council shall have power,

- (a) to take under consideration all matters relating to the academic life of the College, and make such rules and take such action as may be found necessary for conduct of convocation and for the maintenance of satisfactory academic standards and developments;
- (b) to deal with all matters of degrees in courses, examinations, appointments of examiners, and regulation of curricula;
- (c) to consider and deal with all applications for admission to courses in Arts and Theology, and to recommend all candidates to be presented for degrees (other than honorary degrees), titles, diplomas and certificates.

**38.**—(1) There shall be a Principal of Huron College <sup>Principal</sup> appointed by the Executive Board.

(2) The Principal may, but need not necessarily be, the <sup>Qualifica-</sup>holder of a professorship or other College office and shall be <sup>tion</sup>a clergyman of the Anglican Communion.

(3) It shall be the duty of the Principal to see that the <sup>Duties</sup>statutes, regulations and rules of the College are faithfully observed, to administer discipline, to order and preside over College exercises, and to supervise all the internal affairs of the College.

(4) The Principal shall present an annual report of the <sup>Annual</sup>College to the members of the Corporation. <sup>report</sup>

(5) When the Principal is absent or incapacitated by illness <sup>Absence or</sup>or during a vacancy in the office, the Executive Board shall <sup>vacancy</sup>nominate one of the professors who shall have the powers and perform the duties of the Principal.

**39.** The action of the Corporation and of the Executive Board in any matter with which they may respectively deal shall be by resolution or by by-law as the Corporation or the Executive Board, as the case may be, may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the College if it is authenticated in the manner prescribed by the Corporation or by the Executive Board, as the case may be. <sup>Authentica-</sup>  
<sup>tion of</sup>  
<sup>by-laws,</sup>  
<sup>resolutions</sup>

**40.** The accounts of the Corporation shall be audited at <sup>Audit</sup>least once a year by an auditor or auditors appointed by the Executive Board.

## Repeal

**41.** The following are repealed:

1863 (26  
Vict.), c. 31  
(Can.)

1. *An Act to incorporate "Huron College"*, being chapter 31 of the Statutes of the Province of Canada, 1863 (26 Victoria);

1868-9,  
c. 52

2. *An Act to Amend the Act Twenty-six Victoria, Chapter thirty-one, entitled "An Act to Incorporate Huron College"*, being chapter 52 of the Statutes of Ontario, 1868-9;

1890, c. 141

3. *An Act to amend an Act to Incorporate Huron College*, being chapter 141 of the Statutes of Ontario, 1890;

1906, c. 139

4. *An Act to amend the Constitution of Huron College*, being chapter 139 of the Statutes of Ontario, 1906;

1922, c. 150

5. *An Act to amend the Constitution of Huron College*, being chapter 150 of the Statutes of Ontario, 1922;

1935, c. 84

6. *The Huron College Act, 1935.*

Commence-  
ment

**42.** This Act comes into force on the day it receives Royal Assent.

Short title

**43.** This Act may be cited as *The Huron College Act, 1958.*

## CHAPTER 140

**An Act respecting  
The Lakeshore District Board of Education**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Lakeshore District Board of Education Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding subsection 2 of section 53 of *The* Elected membership of Board of Education  
*Secondary Schools and Boards of Education Act, 1954*, the  
elected membership of The Lakeshore District Board of  
Education shall be composed of twelve trustees, of which 1954, c. 87  
four trustees shall be elected by each of the municipalities of  
the Town of Mimico, the Town of New Toronto, and the  
Village of Long Branch.

**2.** This Act comes into force on the day it receives Royal Commence-ment  
Assent.

**3.** This Act may be cited as *The Lakeshore District Board* Short title  
*of Education Act, 1958*.





## CHAPTER 141

# An Act respecting the Separate School Board of the Town of Lindsay

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Board of Trustees of the Roman Catholic Separate Schools for the Town of Lindsay, hereinafter called the Board, by its petition has represented that it is expedient to provide for the election of its members and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding the provisions of *The Separate Schools Act*, an election by general vote, without regard to wards or ward boundaries, by the resident ratepayers who are supporters of the separate schools of the Town of Lindsay for the trustees of the Board, shall be held in the year 1958 at the same time and place and by the same returning officer or officers and shall be conducted in the same manner as the municipal nominations and elections in and for the Town of Lindsay, and the provisions of *The Municipal Act* respecting the time and manner of holding nominations for elections, including the method of receiving nominations for office, the resignation of persons nominated and declarations of qualifications of office, shall apply *mutatis mutandis* to such and all subsequent elections.

Preamble

Election of  
trustees by  
general vote  
R.S.O. 1950,  
cc. 356, 243

**2.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

Vacancies

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Town of Lindsay Separate School Board Act, 1958*.

Short title



## CHAPTER 142

### An Act respecting the City of London

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of London by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Corporation of the City of London is authorized and empowered, and is declared to have been authorized and empowered, to acquire by lease or purchase lands beyond its corporate limits, but adjacent thereto, for the purpose of the parking of motor vehicles, provided at the time of acquisition such use is not prohibited by by-law of the municipality in which the same are acquired. Authority to acquire parking lands outside municipality

(2) When so acquired, all the powers of the Corporation in respect of the parking of motor vehicles which may be exercisable within the corporate limits, whether by general or special Act, shall extend thereto. Application of corporate powers

**2.** The Corporation is authorized and empowered and is declared to have had the power to pass by-laws to regulate and prohibit in such area or areas of the City of London as may appear proper the emptying of storm water into sewers designated to carry sanitary sewage or the emptying of sanitary sewage into sewers designated to carry storm water. Authority to regulate storm waters

**3.** The conveyance of part of Lot No. 9 in the First Concession of the Township of London by The Board of Education for the City of London to The Corporation of the City of London by deed dated the 28th day of May, 1957, and registered on the 29th day of October, 1957, as No. 99736 for East London, is ratified and confirmed and the said lands are vested in the Corporation. Lands vested in corporation

**4.** The Corporation may by by-law provide that, whenever the use to which land or buildings may be put is changed under the powers conferred by section 390 of *The Municipal* Non-conforming uses R.S.O. 1950, c. 243

*Act*, the by-law may provide that an existing use which contravenes the provisions of the by-law, both before and after change, shall not upon such change become a non-conforming use which may be maintained until abandoned.

Agreement confirmed

5. The agreement between the Corporation and The Children's Aid Society of the City of London and the County of Middlesex, dated the 8th day of October, 1957, set forth as the Schedule hereto, is declared to be legal, valid and binding upon the parties thereto and the ratepayers of the Corporation, and the parties are authorized and empowered to carry out and perform the agreement.

Charge on flankage that becomes frontage

6.—(1) Whenever a local improvement is carried out and an exemption is made of flankage of a lot, which flankage later becomes a frontage on the work which has been carried out, the Corporation may impose a charge of such amount as would have been assessed against such flankage had it been frontage at the time of the passing of the by-law.

Notice of charge

(2) Notice of such charge shall be given by registered mail addressed to the then registered owner of such flankage.

Appeal

(3) Any person complaining that the amount of flankage in respect of which the charge is imposed is incorrect may do so in writing delivered to the City Clerk within ten days of the mailing of the notice under subsection 2 and the City Clerk shall forthwith transmit the same to the court of revision and give to the complainant written notice of the time and place of the hearing of the complaint posted six days prior to the date set therefor, and the court of revision shall consider the complaint and its decision thereon shall be final and binding.

When due and payable

(4) Whenever such charge is so imposed, it shall be due and payable in equal annual instalments commencing the year when the flankage becomes frontage on the work, and for such term of years as charges were imposed by the by-law.

Period in which charges payable

(5) The annual charges imposed or collected under this section shall be limited to those which would fall due during the period of the currency of the debentures issued for such work and five years thereafter, and when collected shall be credited to the general funds of the Corporation.

Collection of charge

R.S.O. 1950, c. 215,

(6) The Corporation shall have all the powers in respect of the collection of such annual charges as it would have had had they been imposed under *The Local Improvement Act*.



7. Notwithstanding any other Act, The London and Port Stanley Railway is declared not to be a public utility for the purpose of municipal taxation in Ontario but shall for all purposes of municipal taxation be assessed and taxed on the same basis as a steam or other railway.

L. & P.S.  
Rlwy. taxed  
as railway

8. Subsection 1 of section 1 of *The City of London Act, 1957* is amended by inserting after "and" in the second line "gas" and by striking out "of any equipment that does" in the fourth line and inserting in lieu thereof "of such of the same as do", so that the subsection shall read as follows:

1957, c. 142,  
s. 1, subs. 1,  
amended

- (1) The council of the Corporation may pass by-laws for the inspection of gas heating and gas cooking appliances, equipment, piping, vents and venting and for prohibiting the use of such of the same as do not comply with the provisions of *The Ontario Fuel Board Act, 1954* and the regulations made thereunder.

By-laws  
re gas  
heating  
equipment

1954, c. 63

9. Section 5 of *The City of London Act, 1949* is repealed and the following substituted therefor:

1949, c. 130,  
s. 5, re-  
enacted

5. The Corporation of the City of London and The Board of Hospital Trustees of the City of London are hereby authorized and empowered from time to time to enter into an agreement or agreements and lease or leases with The Ontario Cancer Treatment and Research Foundation, and to carry out the terms and provisions thereof for the erection of an addition or additions to or reconstructing in part or making alterations to Victoria Hospital at London and the leasing and demise of the same, or any part thereof, to the said Foundation upon such terms and conditions and for such periods of time as may be agreed upon by them.

Agreements  
with The  
Ontario  
Cancer  
Treatment  
and Research  
Foundation

10. The Board of Hospital Trustees of the City of London, with the concurrence of the Corporation, is hereby authorized and empowered from time to time to enter into an agreement or agreements and lease or leases with London District Crippled Children's Treatment Centre, and to carry out the terms and provisions thereof for the erection of a building or buildings, or parts thereof, and the maintenance, reconstruction or alteration thereof, and the leasing or licensing of the use of the same, or any part thereof, to the said Centre, upon such terms and conditions and for such periods of time as may be agreed upon by them.

Agreements  
with  
London  
District  
Crippled  
Children's  
Treatment  
Centre

Property  
of persons  
in homes  
for aged, etc.,  
administered  
by  
Corporation

**11.** The Corporation is authorized and empowered to receive from persons or for the credit of persons admitted or to be admitted to homes for the aged, public hospitals, convalescent hospitals and homes and nursing and other homes for the care of the aged, ill and infirm, property, both real and personal, and to hold and administer the same as effectually and to the fullest extent to which such persons might themselves do and for such purposes as may be agreed upon by the Corporation and by or on behalf of such persons.

Regulation  
of traffic  
in London  
market

**12.—**(1) The Corporation is authorized and empowered to pass by-laws for regulating and governing pedestrian and vehicular traffic over that portion of the London market lying north of the Covent Garden Market Building and extending from the easterly limit of Talbot Street to the rear of the privately-owned lands on the west side of Richmond Street, for prohibiting the parking of motor vehicles on all or any part thereof and for prohibiting traffic thereon in any but one direction.

Enforcement

(2) Such by-laws when enacted may be enforced in the same manner and extent and with the same penalties for violation thereof as approved by-laws passed pursuant to the provisions of *The Municipal Act*.

R.S.O. 1950,  
c. 243

Submission  
of questions  
to voters

**13.—**(1) Notwithstanding any of the provisions of *The Municipal Act*, the Corporation is hereby authorized and empowered to submit to the electors at any time during the years 1958 and 1959,

- (a) any question or questions regarding the composition of the council of the Corporation;
- (b) any question as to the term of office of all or any of the persons elected at municipal elections;
- (c) any question to determine if the electors are in favour of the incorporation in school buildings of facilities for recreation under the direction of The Public Utilities Commission of the City of London and of facilities for libraries.

Questions  
of  
annexation

(2) Notwithstanding any of the provisions of *The Municipal Act*, the Corporation is hereby authorized and empowered to submit at any time during the years 1958 and 1959 to the electors who are entitled to vote on money by-laws any questions arising out of annexation or proposed annexation to the City of London of areas adjacent thereto.

**14.** The lands comprising part of the Market Square in the City of London, described as the northerly 55 feet of the east half of Lot No. 13 on the north side of King Street, the westerly 10 feet of the remainder of the easterly half thereof, and the southerly 55 feet of the westerly half of Lot No. 12 on the south side of Dundas Street, and which under an agreement dated the 16th day of February, 1846, the owners agreed to convey to the Corporation, are vested in The Corporation of the City of London.

**15.**—(1) This Act, except sections 6 and 7, comes into force on the day it receives Royal Assent.

(2) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1958.

**16.** This Act may be cited as *The City of London Act, 1958*.

## SCHEDULE

THIS AGREEMENT made, in duplicate, this 8th day of October in the year of our Lord one thousand nine hundred and fifty-seven.

BETWEEN:

THE CHILDREN'S AID SOCIETY OF THE CITY OF LONDON  
AND THE COUNTY OF MIDDLESEX (hereinafter called  
the Society),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON (hereinafter  
called the City),

OF THE SECOND PART.

WHEREAS the Society represents that Pamela Katheryne Smith O'Brien (hereinafter called the child) who was born on the 2nd day of March, 1954, has been made a ward of the said Society as appears by order of the Judge of the Juvenile Court of the City of London bearing date the thirty-first day of August, 1954, and that the City is the municipality to which the child belongs; and

WHEREAS the Society represents that it is able to arrange the adoption of the said child provided provision can be made for plastic surgery and dental care which will be required by the child at such times as plastic surgeons and dental surgeons may determine to be the appropriate time for such treatment; and

WHEREAS the Society represents that if an adoption cannot be arranged the City would be obligated to it for the care and maintenance of the said child.

NOW THEREFORE THIS AGREEMENT WITNESSETH and the parties hereto covenant and agree as follows:

1. The Society will arrange for the adoption of the said child in a proper foster home and will arrange that the child receives the proper surgical care and attention.

2. The City will in each of the next five years, commencing in the year 1958, set aside the sum of \$600.00 in a special fund for the purpose of meeting the expenses of the required medical care, plastic surgery, dental care, hospitalization, nursing or other care of the said child, hereinafter called the expenses.

3. The Society will pay the accounts for the expenses as the same may be incurred for the said child and will certify the accounts to the City and the City undertakes to reimburse the Society from the said fund so set aside to the extent of the said expenditure made by the Society.

4. The City shall not be obligated to reimburse the Society for expenses in excess of the said sum of \$3,000.00 nor will the Society require the City to pay for the care and supervision of the said child or for maintenance so long as the said child is living in the home of the adopting parents, or is absent therefrom for the purposes of treatment.

5. If the said child is removed from the home of the adopting parents and returned to the care of the Society the Council of the City may elect to discontinue further payments for expenses to the Society and to be no longer liable therefor and to transfer the fund so set aside or the remainder thereof to the general funds of the City and the obligation of the City shall thereafter be that which may be determined under the provisions of *The Child Welfare Act* or other pertinent law.

6. After the need for the said fund has ceased to exist, the Council of the City may by resolution transfer the fund or the remainder thereof into the general funds of the City and in such event it shall forthwith notify the Society and the obligation of the City shall be such as may be determined under the provisions of *The Child Welfare Act* or other pertinent law, except as to such expenses as may be incurred by the Society prior to the receipt of such notice.

7. This agreement shall come into force and take effect on receiving from the Legislature of Ontario the power and authority to the parties hereto to carry out and perform the same.

IN WITNESS WHEREOF the party of the First Part has hereunto affixed its corporate seal attested by the hands of its proper signing officers authorized in that behalf and the part of the Second Part has hereunto affixed its corporate seal attested by the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CHILDREN'S AID SOCIETY OF THE  
CITY OF LONDON AND THE COUNTY  
OF MIDDLESEX:

W. E. MOORE,  
*President.*

(Seal) F. CRISTALL,  
*Director.*

THE CORPORATION OF THE CITY OF  
LONDON:

RAY A. DENNIS,  
*Mayor.*

(Seal) R. H. COOPER,  
*Clerk.*





## CHAPTER 143

**An Act respecting  
the Township of London**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Township of London Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) By-law No. 3010 of The Corporation of the Pension  
by-law  
confirmed  
Township of London entitled “a by-law to establish a Pension  
Plan for the employees of the Township of London” passed  
on the 18th day of December, 1957, set forth as the Schedule  
hereto, is hereby ratified and confirmed and declared to be  
legal, valid and binding upon the Corporation and the em-  
ployees and ratepayers thereof.

(2) The Corporation may do all such acts, matters and Powers of  
Corporation  
things as are necessary for the full and proper establishment  
of the pension plan in accordance with By-law No. 3010 and  
the carrying out of its obligations thereunder, and may amend  
such by-law from time to time with the approval of the  
Department of Municipal Affairs.

**2.** This Act shall be deemed to have come into force on Commence-  
ment  
the 1st day of January, 1958.

**3.** This Act may be cited as *The Township of London Act*, Short title  
1958.

## SCHEDULE

## THE CORPORATION OF THE TOWNSHIP OF LONDON

## BY-LAW NUMBER 3010

Being a by-law to establish a Pension Plan for the employees of the Township of London.

WHEREAS it is deemed advisable to establish a Pension Plan for the employees engaged in the affairs and purposes of The Corporation of the Township of London.

NOW THEREFORE the Council of the Corporation of the Township of London enacts as a by-law thereof as follows:

## ARTICLE I

*Definitions*

1. In this by-law unless a contrary intention appears,

- (a) "Anniversary Date" shall mean July 1st in each year;
- (b) "Commencement Date" shall mean January 1, 1958;
- (c) "Contract" shall mean the group annuity contract to be entered into by the Corporation and The Insurer for the purposes of providing the benefits under this Plan;
- (d) "Corporation" shall mean the Corporation of the Township of London;
- (e) "Council" shall mean the Council of the Corporation of the Township of London;
- (f) "Earnings" shall mean the salaries or wages received from the employer during the calendar year prior to the Commencement Date or Anniversary Date, as applicable;
- (g) "Employer" shall mean the Corporation, or any Board, Commission, Committee, Body or Local Authority established or exercising any power or authority under any special or general Act with respect to any of the affairs or purposes of the Corporation;
- (h) "Employee" shall mean any officer, clerk, workman, servant or other person, who is employed by an employer as defined in Section (g) of this Article I, but does not include a person holding an elective office or appointment;
- (i) "Insurer" shall mean The Standard Life Assurance Company;
- (j) "Interest" shall mean that rate of interest paid by the insurer, compounded annually, calculated from the end of the year of payment of contributions;
- (k) "Member" shall mean an employee who has met the requirements of eligibility for admission to the Plan;
- (l) "Permanent Employee" shall mean a regular, full-time employee and any other employee who meets the requirements as established by the Council;
- (m) "Plan" shall mean this pension plan for the employees of the Corporation;

- (n) "Previous Plan" shall mean the employees' pension plan established as of December 1st, 1949;
- (o) "Service" shall mean employment with an employer;
- (p) Words importing the masculine gender include the feminine gender unless the context indicates otherwise.

## ARTICLE II

### *Eligibility*

1. All Permanent Employees who are in the service on the Commencement Date are eligible to participate in the Plan on that date, or on any Anniversary Date.

2. With the exception of employees of the Police Commission, an employee who is employed after the Commencement Date will be eligible to participate in the Plan provided that:

- (a) He has not attained age 60.
- (b) He is classified as a Permanent Employee.
- (c) He has completed one year of service.
- (d) He has attained age 21 if a male employee, or age 25 if a female employee.

3. All employees who are employed after the Commencement Date shall become members of the Plan on the Anniversary Date following the fulfilment of the eligibility requirements.

4. Employees of the Police Commission shall complete the application form on entering the service and their membership in the plan shall commence from the 1st day of the month next following the date of employment.

5. An eligible employee must complete the application form authorizing the deductions from his earnings as required under the provisions of this by-law and submit proof of age satisfactory to the insurer.

6. Any employee whose service with an employer is terminated and who subsequently returns to service will, for the purpose of this plan, be classed as a new employee.

## ARTICLE III

### *Normal Retirement Age*

1. Normal retirement age for members shall be the first day of the month next following the 65th birthday except that male members who on the Commencement Date are over age 60 will attain normal retirement age on July 1st, 1963.

## ARTICLE IV

### *Amount of Pension*

1. The yearly pension payable on retirement at normal retirement age shall be calculated by multiplying the number of complete years in each salary grade, after joining the Plan and for which contributions are paid, by the corresponding rate of pension shown in Column 3 of the table which appears in Article IX, and adding the figures so obtained.

2. The amount of pension payable under this Plan shall be in addition to any pension payable to registered members of the Previous Plan.

## ARTICLE V

## ARTICLE V

*Payment of Pension*

1. The pension at normal retirement age is payable by monthly instalments which are guaranteed to continue for 5 years certain and during the lifetime of the member thereafter.

2. The first payment of pension is payable on the date on which normal retirement age is attained.

3. If the total yearly pension payable under this Plan is less than \$60.00 the member will receive in lieu of all other benefits under this Plan a lump sum which shall be the present value of the pension payable under this Plan as at such date of payment.

## ARTICLE VI

*Option forms of Pension*

1. At any time before the attainment of normal retirement age a member may elect on the form provided by the insurer to receive at normal retirement age in lieu of any other pension under the Plan, one of the following optional forms of pension:

- (a) A pension guaranteed to continue for 10 years certain and life thereafter.
- (b) A pension guaranteed to continue for the lifetime of the member only.
- (c) A pension guaranteed to continue until the death of the member and a nominated beneficiary.
- (d) A pension which would be increased from normal retirement age until age 70, and decreased thereafter, the difference between the two amounts of pension being the amount of the pension payable according to the *Old Age Security Act* of the Government of Canada at the time the option is elected by the member.

## ARTICLE VII

*Early Retirement*

1. With the written consent of the Corporation a member may retire at any time after attaining age 55.

2. The pension payable on early retirement will be the actuarial equivalent of the pension payable at normal retirement age calculated to the date of early retirement.

3. The first pension payment will be made on the first day of the month following receipt of notice by the Insurer of the date of early retirement.

4. The pension on early retirement would be payable for life but as a minimum would continue until an amount equal to the member's total contributions have been returned.

## ARTICLE VIII

*Deferred Retirement*

1. If, with the written consent of the Corporation, a member continues in the service of an employer after normal retirement age, contributions will be required and pension benefits will continue to accrue according to the table shown under Article IX.

2. The pension payable after deferred retirement shall be guaranteed for 5 years certain and life thereafter.

## ARTICLE IX



## ARTICLE IX

Salary Grade	Annual Pay		Annual Pension at Normal Pension Age for each complete year's contribution to the plan.	Employee's Contributions	
	(1)	(2)	(3)	(4)	
	Over	Up to and Including	2%	Yearly	Monthly
A	\$ 0	\$ 1,100	\$ 20.00	\$ 50.16	\$ 4.18
B	1,100	1,300	24.00	60.19	5.02
C	1,300	1,500	28.00	70.23	5.86
D	1,500	1,700	32.00	80.26	6.69
E	1,700	1,900	36.00	90.29	7.53
F	1,900	2,100	40.00	100.32	8.36
G	2,100	2,500	46.00	115.37	9.62
H	2,500	2,900	54.00	135.43	11.29
I	2,900	3,300	62.00	155.50	12.96
J	3,300	3,700	70.00	175.56	14.63
K	3,700	4,300	80.00	200.64	16.72
L	4,300	4,900	92.00	230.74	19.23
M	4,900	5,500	104.00	260.83	21.74
N	5,500	6,500	120.00	300.96	25.08
O	6,500	7,500	140.00	351.12	29.26
P	7,500	8,500	160.00	401.28	33.44
Q	8,500	9,500	180.00	451.44	37.62
R	9,500	10,500	200.00	501.60	41.80
S	10,500	11,500	220.00	551.76	45.98
T	11,500	12,500	240.00	601.92	50.16
U	12,500	13,500	260.00	652.08	54.34
V	13,500	14,500	280.00	702.24	58.52
W	14,500	15,500	300.00	752.40	62.70
X	15,500	16,500	320.00	802.56	66.88
Y	16,500	17,500	340.00	852.72	71.06
Z	17,500	18,500	360.00	902.88	75.24
AA	18,500	19,500	380.00	953.04	79.42
BB	19,500	20,000	400.00	1,003.20	83.60

## ARTICLE X

*Contributions*

1. The Employer shall deduct from the earnings of each member the amounts shown in Column 4 of Section 1 of Article IX according to the Member's earnings.

2. If an employee is temporarily absent from active duty, but is not receiving full remuneration, contributions may be discontinued during absence and a corresponding reduction made in the amount of pension.

3. Contributions made by members:

- (a) Shall not be pledged or assigned as security for a loan, and
- (b) Shall not be withdrawn in whole or in part while the member remains in the service.

4. The Corporation shall contribute the amount required in excess of an employee's contribution to purchase the benefits provided under the Plan; and the contributions made by the Corporation in respect of a member of the plan shall be as determined by the Insurer and may be greater than the contribution made by such member.

5. The deductions from the earnings of each member and the contributions by the Corporation shall be applied to provide the benefits herein set forth and for such purpose the Reeve and Clerk of the Corporation be and they are hereby authorized to enter into a group annuity contract with the Insurer.

#### ARTICLE XI

##### *Change in Salary Grade*

1. Change of salary grade will take effect for the purpose of this Plan on any Anniversary Date on which the earnings calculated as at that date entail a change of salary grade.

#### ARTICLE XII

##### *Payment on Death*

1. A member shall in writing name a beneficiary to receive the amount payable on his death.

2. Where

- (a) the member does not name a beneficiary, or
- (b) the member having named a beneficiary revokes the same and does not make a further nomination, or
- (c) the nomination of a beneficiary is found to be invalid, or
- (d) the beneficiary nominated predeceases the member and a further nomination is not made,

then any payment under the Plan shall be made to the heirs, executors or administrators of such member.

3. The amount payable in the event of a member's death shall be in accordance with the following:

- (a) If a member dies while in the service of an employer and before retirement at normal retirement age, a return will be made of the whole of the member's contributions with interest thereon.
- (b) If a member who has exercised the deferred retirement option dies after normal retirement age but before retirement on pension, payment will be made of the value of 5 years payments of the pension which would have been payable had the member retired on the date of death.
- (c) If a pensioner dies before receiving the total number of instalments guaranteed, payments will be continued until the end of the guaranteed period and shall then cease.

4. The member, or after the member's death, the nominated beneficiary, if a spouse or dependant, may elect that settlement, under (a) or (b) of Section 3 of this Article XII, be made in accordance with one of the following options:

- (a) In a lump sum; or
- (b) In instalments over a period not exceeding 10 years. This option is only available to a beneficiary who is the member's spouse or dependant; or
- (c) A life pension with or without a guaranteed period. The guaranteed period shall not exceed 10 years.

5. When the nominated beneficiary is not a spouse or dependant of the member, payment will be made in a lump sum, unless option (c) of Section 4 of this Article XII was elected by the member.

6. Any payment made to the member's estate will be made in a lump sum.

ARTICLE XIII

*Termination of Employment before  
Normal Retirement Age*

1. If a member leaves the service of an employer before retirement on pension, the following options shall be available in respect of the member's own contributions, provided the choice is indicated to the employer within thirty days after termination of employment. If the member's choice is not indicated within thirty days after termination of employment, the member shall be deemed to have selected the option described in subsection (a) of this Section 1.

- (a) The member may elect to receive a return of his contributions with interest thereon.
- (b) The member may elect to receive a deferred pension to commence at normal retirement age based on the contributions of the member prior to the date of termination.

2. If, on termination of employment before normal retirement age, a member elects a deferred pension as provided in subsection (b), Section 1, of this Article XIII, there will be added thereto a percentage of the pension which has been purchased by the contributions made by the Corporation on the member's behalf according to the following scale:

5 years service or less . . . . .	6%
6 years service . . . . .	20%
7 years service . . . . .	40%
8 years service . . . . .	60%
9 years service . . . . .	80%
10 years service or after the attainment of age 55 . . . . .	100%

ARTICLE XIV

*Transfer of Pension Funds*

1. Where a member of this Plan has become or becomes a member of:

- (a) the civil services of Ontario or Canada,
- (b) the civic service of any other employer or local board, or
- (c) the staff of any board, commission, or public institution established under any Act of the Legislature,

council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in this Plan including the payments and deductions made by the employer and employee together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the member of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

2. Where a member of,

- (a) the civil service of Ontario or Canada,
- (b) the civic service of any other employer or local board, or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the first day of January, 1958, has become or becomes an employee of an employer, and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, the council shall by by-law authorize the transfer

into

into and shall transfer into this Plan the said sum applicable to the employee. Any sum transferred into this Plan under the provisions of this Article XIV shall be applied under the Contract with the Insurer to purchase benefits according to the terms of this Plan.

#### ARTICLE XV

##### *Transitional Provisions*

1. To ensure that the rights acquired by any employee registered under the Previous Plan are not lost or diminished, it is hereby provided,

(a) that the pension payable under the Previous Plan shall be in addition to the pension payable under this Plan,

(b) that after the effective date no further payments or contributions shall be made in respect of the Previous Plan.

2. An employee who contributed to, but failed to register under, the previous plan may become a member of this Plan and the periods of service for which the member contributed to the previous Plan are to be recognized, and a yearly pension at normal retirement age will be provided equal to 40% of the employee's contributions while an unregistered member of the previous plan.

READ a first and second time this 18th day of December, 1957.

READ a third time and finally passed this 18th day of December, 1957.

J. H. GILLIES,  
*Reeve.*

J. R. REYNOLDS,  
*Clerk.*

CHAPTER 144

An Act respecting the Village of Long Branch

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Village of Long Branch by its petition has prayed for special legislation to confirm and validate By-law No. 1703 of the Corporation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. By-law No. 1703 of The Corporation of the Village of Long Branch, set forth as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding from the date of the passing of such by-law.
- 2. This Act comes into force on the day it receives Royal Assent.
- 3. This Act may be cited as *The Village of Long Branch Act*.



## SCHEDULE

## THE CORPORATION OF THE VILLAGE OF LONG BRANCH

## BY-LAW No. 1703

A By-law to amend By-law No. 1280.

WHEREAS it is deemed desirable to amend said By-law No. 1280 to provide for the assumption by the Corporation of a larger share of the cost of the work;

THEREFORE the Council of the Corporation of the Village of Long Branch at a special meeting by a vote of three-fourths of all the members thereof enacts as follows:

1. That said By-law No. 1280 being a By-law to authorize the construction of a paved road on Meaford Avenue, enacted the 13th day of June, 1951, be and the same is hereby amended by adding thereto the following as Section 7 thereof:—

“7. The Corporation shall pay with respect to the cost of the work provided for herein as a local improvement that portion of the debenture debt remaining unpaid under By-law No. 1280 relating thereto at a rate of 34.5 cents per foot on the remaining nine (9) instalments otherwise chargeable against the abutting property owners”.

2. This By-law shall not come into force and take effect until confirmed by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 30th day of January, 1958.

MARIE CURTIS,

*Reeve.*

GEORGE F. GAGE,

*Clerk.*

## CHAPTER 145

**An Act respecting the City of Niagara Falls**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Niagara Falls, herein called the Corporation, by its petition has prayed for special legislation in order to provide greater pension benefits for its employees than are authorized by *The Municipal Act*; and whereas it is expedient to grant the prayer of the petition; R.S.O. 1950, c. 243

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, the council of the Corporation may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of the Corporation or any local board thereof, or any class of employees and their wives and children. Pensions

(2) For the purposes of this section, "employee" has the same meaning as in subclause i of clause a of paragraph 48 of section 386 of *The Municipal Act*. Interpretation

**2.** Subsection 1 of section 300 of *The Municipal Act* shall not apply to any by-law passed under section 1 or to any debt incurred thereby. R.S.O. 1950 c. 243, s. 300, subs. 1, not applicable

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The City of Niagara Falls Act*, 1958. Short title



## CHAPTER 146

# An Act respecting The Board of Education for the Township of North York

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Board of Education for the Township of North York, herein referred to as the Board, by its petition has represented that it has by By-law No. 4A, January 3, 1951, provided pensions for non-teaching permanent employees of the Board, which said by-law was passed pursuant to the provisions of *The Municipal Act*; and whereas the provisions of *The Municipal Act* permit only the provision of such pensions by contract with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer; and whereas the petitioner considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the Board; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Preamble  
R.S.O. 1950,  
c. 243  
R.S.C. 1952,  
c. 132  
R.S.O. 1950,  
c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, The Board of Education for the Township of North York may pass by-laws with the approval of the Minister of Education for providing pensions for non-teaching employees of the Board, or any class thereof, and the spouse or dependants of any such employee.

Pensions

(2) Subsection 1 of section 300 of *The Municipal Act* shall not apply to any by-law passed under this section or to any debt or obligation incurred by such by-law.

Application  
of R.S.O.  
1950, c. 243

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The North York Board of Education Act, 1958*.

Short title





## CHAPTER 147

**An Act respecting  
The Ontario Dietetic Association**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Ontario Dietetic Association by its Preamble petition has represented that it is desirous of being continued as a body corporate and politic for the purpose of promoting and increasing the knowledge and proficiency of its members in all matters relating to dietetics and generally for the carrying out of the objects of the Association; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Ontario Dietetic Association, herein called the Association, is continued as a body corporate and politic. Association continued

(2) The head office of the Association shall be at the City Head office of Toronto.

**2.** The objects of the Association shall be, Objects

- (a) to promote and increase the knowledge and proficiency of its members in all matters relating to dietetics;
- (b) to regulate standards of training and practice of its members; and
- (c) to collect and preserve data and documents relating to dietetics and to furnish information and reports by the publication of bulletins, pamphlets and periodicals relating to the dietary work and proceedings of the Association.

**3.**—(1) All persons who on the day this Act comes into Membership force are in good standing as members of the Association shall be admitted to the register and, together with all other

persons

persons admitted to the register, shall constitute the membership of the Association.

Application  
for  
registration

(2) Application for registration as a member of the Association shall be made in the manner and on the forms prescribed by the by-laws of the Association.

Classes of  
membership

(3) The membership of the Association shall be divided into two or more classes, one of which shall be described as active members.

Qualifica-  
tions for  
active  
membership

4.—(1) Each applicant for active membership shall produce,

- (a) evidence satisfactory to the Board as to good character and professional reputation;
- (b) evidence of membership in good standing in The Canadian Dietetic Association;
- (c) proof that the applicant has,
  - (i) a bachelor's degree either in Arts or in Science or in Household Science from a university or college whose course content meets the requirements of the Board, or
  - (ii) a bachelor's degree either in Arts or in Science or in Household Science from a university or college and has taken such additional university or college courses as are satisfactory to the Board;
- (d) proof that the applicant has,
  - (i) completed a dietetic internship approved by the Board, or
  - (ii) had three years' diversified experience in nutrition or dietetics or allied subjects, or
  - (iii) had two years' experience in teaching which must include one course in foods or nutrition or institution administration as a full-time member of a university or college staff, or
  - (iv) a master's degree in foods or nutrition or institution administration as well as one year's experience in nutrition or dietetics or allied subjects.

(2) The dietetic internship and the experience referred to in clause *d* of subsection 1 shall not be approved or accepted by the Board as sufficient unless, in each case, it is certified to be satisfactory by a person having knowledge of the facts and authority so to certify.

Dietetic  
internship  
and  
experience

5. Notwithstanding any other provision of this Act, the Board may dispense with compliance with the requirements for admission to membership in the Association upon being satisfied that the person in whose favour the dispensation is made has, in effect, acquired the same knowledge and experience as is required by an applicant under section 4.

Dispensation  
of require-  
ments for  
membership

6. Any person resident in Ontario who is a registered member of any association in Canada similarly constituted, or is a member of The Canadian Dietetic Association, and who applies for membership may be admitted to membership upon producing to the Board satisfactory proof of such residence and of membership in such association.

Admission  
of members  
of like  
associations

7. The Provincial Director for Ontario of The Canadian Dietetic Association is an active member of the Association.

Provincial  
Director  
of C.D.A.

8.—(1) The Board shall cause to be kept a register in which shall be entered the names of the members of the Association together with such other records and particulars as the Board may require.

Register

(2) Only those members whose names appear in the register shall be entitled to the privileges of membership in the Association.

Persons in  
register  
entitled to  
privileges of  
Association

(3) The register shall be open to inspection at the head office of the Association during regular business hours by any person free of charge.

Inspection  
of register

9. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Association and the signatures of the President or Vice-President and the Recording Secretary.

Certificate  
of  
membership

10. The Association may acquire, by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

Real and  
personal  
property

11.—(1) There shall be a board of directors of the Association, herein called the Board, which shall control and manage the affairs of the Association.

Board

Regional  
district

(2) For the purposes of representation on the Board, the membership of the Association shall be divided into such regional districts as the by-laws may provide.

## Composition

(3) The Board shall consist of an honorary president, an honorary vice-president, a past president, a president, a president-elect, a vice-president, a recording secretary, a corresponding secretary, a treasurer, and such number of representatives from the regional districts as may be prescribed by the by-laws of the Association, and the Provincial Director for Ontario of The Canadian Dietetic Association.

## Qualification

(4) Members of the Board shall be active members resident in Ontario.

## Quorum

(5) Five members of the Board constitute a quorum.

Election  
of  
directors

(6) The directors, except the Past President and those in an honorary capacity, shall be elected at the annual meeting of the Association and shall hold office for one year and until their successors are elected.

## Idem

(7) Directors shall be eligible for re-election.

## Vacancies

(8) Where a director dies or is unable to act or ceases to be a member of the Association, the office shall be declared vacant by the Board and the Board may fill the vacancy for the unexpired portion of the term of such director.

## Executive

(9) The Board may delegate, in the manner and to the extent provided by the by-laws, any of its powers and duties to an executive, which shall consist of the President, Vice-President, President Elect, Recording Secretary, Corresponding Secretary, Treasurer and such other members as it may designate.

General  
Meeting

**12.** The Board shall convene at least one general meeting of the Association in every year.

## By-laws

**13.—**(1) The Board may pass by-laws, not contrary to law or this Act, for all purposes relating to the affairs, business and property of the Association, its management, government, aims, objects and interests, including,

- (a) providing for the division of the membership into two or more classes of membership;
- (b) providing for the division of membership into regional districts for the purpose of representation on the Board;

(c)



- (c) providing for the election of directors and prescribing their qualifications;
- (d) providing for the election or appointment of such officers of the Association as may be necessary for carrying out the purposes of the Association and prescribing their duties and responsibilities;
- (e) fixing the time and place of meetings of the Association and prescribing the manner of calling and conducting such meetings;
- (f) providing for the fixing, levying and collecting of fees payable upon application for registration and of annual fees and prescribing the penalties for failure to pay such fees;
- (g) prescribing the qualifications of each class of membership;
- (h) providing for the form and use of a seal of the Association;
- (i) providing for the remuneration and reimbursement of members of the Board;
- (j) prescribing the books and records to be kept and providing for audits;
- (k) prescribing the forms for use under this Act;
- (l) providing for the suspension and cancellation of registration and for the procedure and conditions of restoring registration where registration has been cancelled or suspended;
- (m) prescribing a code of ethics to govern the discipline, conduct and control of members of the Association;
- (n) regulating the conduct of the members of the Association, including the suspension or expulsion of any member for misconduct or violation of this Act or the by-laws of the Association;
- (o) providing for the organization of district associations;
- (p) respecting any other matter deemed necessary or advisable for effective management of the Association and the conduct of its business.



Approval  
of  
by-law

(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law.

Continuation  
of present  
Board  
and by-laws

**14.** The Board of The Ontario Dietetic Association as constituted on the day this Act comes into force and all officers of the Association shall continue in office until the first general meeting of the Association and all by-laws of the Association except in so far as they are inconsistent with this Act shall continue in full force and effect until amended, repealed or replaced by by-laws passed under this Act.

Application  
of Act

**15.** Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Board pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling.

Designation

**16.—(1)** Every member of the Association shall have the right to use the designation "Registered Professional Dietitian" and may use the initials "R.P.Dt.", indicating that she is a registered professional dietitian.

Offence  
and  
fine

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Dietitian" or the initials "R.P.Dt.", or any name, title or description implying or which may lead to the belief that he or she is a registered member of the Association, shall be guilty of an offence and on summary conviction shall be liable to a fine of not more than \$25 for each offence.

Fines  
payable to  
Association

(3) All fines recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Association.

Commence-  
ment

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** This Act may be cited as *The Ontario Dietetic Association Act, 1958*.

## CHAPTER 148

## An Act respecting the City of Ottawa

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Ottawa by Preamble  
 its petition has prayed for special legislation in respect  
 of the matters hereinafter set forth; and whereas it is expedient  
 to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.**—(1) Section 4 of *The City of Ottawa Superannuation* 1939, c. 66,  
*Fund Act*, 1939 is repealed and the following substituted <sup>s. 4,</sup> re-enacted  
 therefor:

**4.**—(1) The City of Ottawa Superannuation Fund Board <sup>Ottawa</sup>  
 may, with the approval of the Superintendent of <sup>Super-</sup>  
 Insurance, pass such by-laws, including by-laws <sup>annuation</sup>  
 amending, revising or consolidating the by-laws of <sup>Fund</sup>  
 the Fund, as may be necessary for the proper <sup>Board</sup>  
 administration of the Fund and for the readjustment <sup>powers</sup>  
 of rates of contribution into the Fund or pensions  
 or benefits out of the Fund and such amendments  
 shall be binding upon The Corporation of the City  
 of Ottawa and upon the members of the Fund and  
 upon their legal representatives and upon all persons  
 deriving any legal rights from any member or bene-  
 ficiary notwithstanding anything contained in the  
 by-laws of the Fund before such amendments.

(2) No amendment shall be made to the by-law of the <sup>Amend-</sup>  
 Fund affecting rates of contribution into the Fund <sup>ments</sup>  
 or pensions or benefits out of the Fund unless the <sup>to rates</sup>  
 actuary of the Fund has certified that the amend-  
 ment will not require any increased rate of con-  
 tribution to the Fund by The Corporation of the  
 City of Ottawa or unless the council of the Corpora-  
 tion has consented thereto.

Amend-  
ments to  
by-law  
validated

(2) All amendments to the by-laws of The City of Ottawa Superannuation Fund, enacted by The City of Ottawa Superannuation Fund Board and approved by the actuary of the Fund and the Superintendent of Insurance prior to the coming into force of this Act, shall be deemed to have been validly enacted.

1952, c. 130,  
s. 5, subs 1  
(1957,  
c. 150,  
s. 2),  
amended

**2.** Subsection 1 of section 5 of *The City of Ottawa Act, 1952*, as re-enacted by section 2 of *The City of Ottawa Act, 1957*, is amended by inserting after "1955" in the ninth line "or the land acquired or to be acquired for the controlled-access highway known as the Queensway referred to in an agreement in writing dated the 19th day of March, 1957, between the Government of Canada, the Government of the Province of Ontario, Federal District Commission and The Corporation of the City of Ottawa", so that the subsection shall read as follows:

Erection  
and altera-  
tion of  
buildings  
facing park,  
etc., of  
Federal  
District  
Commission

- (1) The council of the Corporation may pass by-laws prohibiting the erection or alteration of any building or structure any part of which faces a park, parkway or driveway of the Federal District Commission or a highway having a width of at least eighty feet or a highway specially designated on an official plan heretofore or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act, 1955* or the land acquired or to be acquired for the controlled-access highway known as the Queensway referred to in an agreement in writing dated the 19th day of March, 1957, between the Government of Canada, the Government of the Province of Ontario, Federal District Commission and The Corporation of the City of Ottawa or any similar property or highway unless a certificate of approval of the plans and specifications of the exterior design thereof has first been issued by an official or officials or by a committee or board appointed by the council.

1955, c. 61

Ottawa  
Transporta-  
tion  
Commis-  
sion, fixing  
tolls, etc.  
1920, c. 132

**3.** Notwithstanding anything contained in sections 6 and 7 of *The Ottawa City Transportation Act*, being chapter 132 of the Statutes of Ontario, 1920, Ottawa Transportation Commission shall not be obligated during 1958 to regulate and fix tolls, tariffs of tolls and fares of the transportation system of the Commission in accordance with the said sections.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Ottawa Act, 1958*.

## CHAPTER 149

## An Act respecting the Village of Port Perry

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Village of Port Perry Preamble  
by its petition has represented that the council of the Corporation has made a capital expenditure in exploration for a well site and to develop and test the well, and has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the Village of Port Debenture  
Perry is hereby authorized to pass a by-law without the by-law  
approval of the Ontario Municipal Board to borrow the sum authorized  
of \$30,000 upon debentures, payable in not more than twenty years, to meet the expenditure incurred in the year 1956 for the exploration for a well site and for the development and testing of a well to supply water to the Corporation, and such by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Village of Port Perry Act*, Short title  
1958.





## CHAPTER 150

# An Act respecting Queen's University at Kingston

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS Queen's University at Kingston by its Preamble petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Queen's University at Kingston, hereinafter called the University, shall have the power, without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate, Expropriation of land

- (a) all such real property, within the area described in Schedule A hereto, as the University may deem necessary for the building of additional residential accommodation for women students; and
- (b) all such real property, within the area described in Schedule B hereto, as the University may deem necessary for the erection of a building or buildings for teaching, research and administration in the social sciences, school of commerce and related subjects,

making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* R.S.O. 1950, c. 243 as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the University, and to the exercise by it of the powers conferred by this section, and where any act is by any of such provisions required to be done by the council of a municipality the like act shall be done by the Board of Trustees of the University, and where any act is by any of such provisions required to be

done

done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Treasurer of the University, or at the office of the Treasurer of the University, as the case may be.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Queen's University at Kingston Act, 1958*.

## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the County of Frontenac, and being composed of part of Lots 23 and 26 and all of Lots 24 and 25 on the North side of Stuart Street as shown on Registered Plan D-16 in the said City, which said parcel or tract of land may be more particularly described as follows:

COMMENCING at a point in the North limit of Stuart Street, distant therein Easterly 543.23 feet from the East limit of Albert Street, which point is also distant Westerly 50.77 feet from the South-East angle of Lot 26;

Thence North 0 deg. 57.5 mins. West 47.35 feet;

Thence North 1 deg. 15 mins. East in and along a fence line 84.75 feet, more or less to the North limit of Lot 26;

Thence North 85 deg. 38 mins. East 212.48 feet more or less to a fence line;

Thence South 0 deg. 54 mins. East in the last mentioned limit and being in the West limit of the lands now owned by Queen's University, a distance of 132 feet to the North limit of Stuart Street;

Thence South 85 deg. 38 mins. West in the last mentioned limit of 215.55 feet to the point of commencement.

The above described lands are shown outlined in GREEN on a plan of survey dated Feb. 11, 1958, revised Feb. 17, 1958, and signed by Donald C. Smith, Ontario Land Surveyor.

[Plan of Survey attached.]

## SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Province of Ontario and City of Kingston, being composed of Lots 1, 2, 3, 4, 5, 6, 7, and Part of Lot 8 and lane as shown on Registered Plan No. D-2 in said City, which said parcel or tract of land may be described more particularly as follows:

COMMENCING at a point in the Westerly limit of University Avenue distant therein Northerly 9.4 feet from the original stone monument planted at the South-east angle of Lot 8;

Thence North 31 minutes East along the Westerly limit of University Avenue a distance of 295.9 feet to the Southerly limit of Union Street;

Thence North 84 degrees, 43 minutes West along the said South limit of Union Street a distance of 123.88 feet;

Thence South 75 degrees, 57 minutes West continuing along the South limit of Union Street a distance of 240.91 feet to the Easterly limit of Alfred Street;

Thence Southerly along said Easterly limit of Alfred Street a distance of 329 feet more or less to the South-west angle of Lot 7;

Thence North 78 degrees, 23 minutes East along the Southerly limit of said Lot 7 and Reg. Plan D-2, a distance of 143.38 feet;

Thence North 31 minutes East a distance of 42.56 feet to a point;

Thence South 89 degrees, 29 minutes East a distance of 154.24 feet more or less to the point of commencement.

The above described lands are shown outlined in GREEN on a plan of survey dated 12th Feb. 1958, with additions 15th Feb. 1958, and signed by Allen R. Burgham, Ontario Land Surveyor.

[Plan of Survey attached.]



CHAPTER 151

**An Act respecting  
The Royal Victoria Hospital of Barrie**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Royal Victoria Hospital of Barrie by its Preamble petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any special or general Act, the councils of each of the townships of Oro, Vespra, Flos, Sunnidale, Essa and Innisfil and the Village of Elmvale, all in the County of Simcoe, are hereby authorized and empowered to pass by-laws for granting aid for the erection of additions to, equipment of and maintenance of The Royal Victoria Hospital of Barrie and may issue debentures therefor and may provide that the amount of such aid shall be levied against the lands in a defined area in the municipality, the residents of which defined area, in the opinion of the council of the municipality, derive special benefit from The Royal Victoria Hospital of Barrie.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Royal Victoria Hospital of Barrie Act, 1958*.





## CHAPTER 152

# An Act respecting the City of Sault Ste. Marie

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that it is desirable to extend to December 31, 1959, the term of office of the elective members of The Public Utilities Commission and the Memorial Gardens Commission of the City of Sault Ste. Marie whose term would otherwise expire on December 31, 1958, and to provide for the election of all the elective members of the Public Utilities Commission and the Memorial Gardens Commission for a term of two years at the time of and in the same manner as the election of the mayor and members of the council of the City of Sault Ste. Marie at the biennial municipal elections commencing in the year 1959 and subsequent municipal elections, and has prayed for special legislation in respect thereof; and whereas it is deemed expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The terms of office of the elective members of The Public Utilities Commission and of the Memorial Gardens Commission of the City of Sault Ste. Marie whose terms would otherwise expire on December 31, 1958, are hereby extended and continued to December 31, 1959. Term of office extended

**2.** In the year 1959 and in every second year thereafter, all the elective members of the Public Utilities Commission and of the Memorial Gardens Commission shall be elected at the same time as the mayor and members of the council of the City of Sault Ste. Marie and shall hold office for two years. Biennial elections

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The City of Sault Ste. Marie Act, 1958*. Short title



# CHAPTER 153

## An Act respecting The Board of Education for the City of Sault Ste. Marie

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Board of Education for the City of Preamble  
Sault Ste. Marie, herein called the Board, by its petition  
has represented that it is desirable to extend to December 31,  
1959, the term of office of the elective trustees of the Board  
whose term would otherwise expire on December 31, 1958,  
and to provide for the election of all the elective trustees of  
the Board for a term of two years at the time of and in the  
same manner as the election of the mayor and members of  
the council of the City of Sault Ste. Marie at the biennial  
municipal elections commencing in the year 1959 and sub-  
sequent municipal elections, and has prayed for special  
legislation in respect thereof; and whereas it is expedient to  
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The term of office of the elective trustees of the Board Term of  
office  
extended  
whose term would otherwise expire on December 31, 1958,  
is hereby extended and continued to December 31, 1959.

**2.** In the year 1959 and in every second year thereafter, Biennial  
elections  
all the elective trustees of the Board shall be elected at the  
same time as the mayor and members of the council of the  
City of Sault Ste. Marie and shall hold office for two years.

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**4.** This Act may be cited as *The Sault Ste. Marie Board of* Short title  
*Education Act, 1958.*





## CHAPTER 154

# An Act respecting St. Peter's Church, Brockville

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the rector and wardens of St. Peter's Church, Brockville, by their petition have represented that, under and by virtue of a deed bearing date the 6th day of September, 1852, from Mary•Elizabeth Jones, the lands and premises referred to in section 1 were vested in The Right Reverend John, Lord Bishop of Toronto, in trust, to hold the same forever to and for the benefit of the rector for the time being of St. Peter's Church, Brockville; that by section 4 of *An Act incorporating the Synod of the Diocese of Ontario*, being chapter 86 of the Statutes of the Province of Canada, 1862, the subject lands became vested in The Incorporated Synod of the Diocese of Ontario; that it is onerous and impractical to maintain and keep the rectory situated on the said lands; and that it is desirable that the Vestry of St. Peter's Church, Brockville, be enabled to sell such lands and premises with the consent of the Bishop of Ontario and the Executive Committee of The Incorporated Synod of the Diocese of Ontario; and whereas the petitioners have prayed for special legislation to authorize the sale of such lands and premises; and whereas the Vestry of St. Peter's Church, Brockville, the Bishop of Ontario and the Executive Committee of The Incorporated Synod of the Diocese of Ontario have consented to this petition; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Vestry of St. Peter's Church, Brockville, with the consent of the Bishop of Ontario and the Executive Committee of The Incorporated Synod of the Diocese of Ontario, shall have full power and authority to sell, dispose of and convey by public auction or private sale for such price in cash or payable in instalments or secured by mortgages or otherwise, as the Vestry, Bishop and Executive Committee may deem

Power to  
dispose  
of land

reasonable,

reasonable, all and every or any part of the lands and premises described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Brockville, in the County of Leeds, and being composed of all of Lot Sixty-seven (67) and the northerly forty feet (40') of Lot Sixty-six (66), in Block Fifteen (15), according to Chipman's Compiled Plan of the said Town.

Deed

**2.** A deed executed by the rector and wardens of St. Peter's Church, Brockville, the Bishop of Ontario and the secretary of The Incorporated Synod of the Diocese of Ontario for the time being shall vest in the purchaser a full, clear and absolute title to the lands and premises conveyed by the deed, free from all trusts whatsoever contained in the deed dated the 6th day of September, 1852, from Mary Elizabeth Jones to The Right Reverend John, Lord Bishop of Toronto.

Purchaser  
not bound  
as to  
application  
of money

**3.** The purchaser of such lands and premises or any part thereof shall not be bound to see to the application of the purchase money arising from a sale of such lands and premises or any part thereof.

Proceeds

**4.** After payment of the expenses of obtaining this Act and of all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, The Incorporated Synod of the Diocese of Ontario shall hold the net proceeds thereof in trust for the benefit of the rector for the time being of St. Peter's Church, Brockville, with the right to use such proceeds or any portion thereof to provide a rectory for the said Church.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The St. Peter's Church, Brockville, Act, 1958*.

## CHAPTER 155

# An Act respecting the Stratford Shakespearean Festival Foundation of Canada

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the Stratford Shakespearean Festival Foundation of Canada, a corporation incorporated under the laws of the Province of Ontario, by its petition has prayed for special legislation to provide that certain of its lands, buildings, equipment and undertaking be exempt from all municipal taxation, except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of The Corporation of the City of Stratford may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Stratford Shakespearean Festival Foundation of Canada comprising the Festival Theatre situate on the east side of Queen Street, Stratford, which lands are more particularly described in the Schedule hereto, provided that the land is owned or leased by the Foundation and occupied by, used solely and carried on for the purposes of the Foundation, on such conditions as may be set out in the by-law.

(2) The council may by by-law cancel all arrears of taxes and any interest or penalties thereon for the period from January 1, 1957, until the date that this Act comes into force, levied by the City of Stratford in respect of such lands, and release the Foundation and its property from all liability therefor.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Stratford Shakespearean Festival Foundation of Canada Act, 1958*.

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Stratford (formerly in the Township of North Easthope) in the County of Perth and Province of Ontario and being composed of parts of Lots forty-six (46) and forty-seven (47) in the First Concession of the said Township, now in the City of Stratford, which said parcel or tract of land is more particularly described as follows:

Premising that the Easterly limit of Queen Street has a bearing of due north and referring all bearings herein thereto;

Commencing at a point in the Easterly limit of Queen Street distant Four hundred and twenty and seventy-eight one-hundredths (420.78) feet Northerly from the intersection of the said Easterly limit of Queen Street with the Northerly limit of Water Street;

Thence South eighty-six degrees thirty-four minutes thirty seconds East ( $86^{\circ} 34' 30''$  E.), two hundred and twenty-eight and fifty-six one-hundredths feet (228.56');

Thence due South fifty-six and ninety-five one-hundredths feet (56.95');

Thence North Easterly two hundred and twelve and forty-five one-hundredths feet (212.45') more or less to a point in the Easterly limit of the lands in Registered Instrument number 32289, which said point is distant four hundred and thirty-five feet (435.0') Easterly from the Easterly limit of Queen Street measured on a course parallel to the Northerly limit of Water Street and also distant three hundred and ninety-eight and seventy-six one-hundredths feet (398.76') Northerly from the Northerly limit of Water Street measured on a course parallel to the Easterly limit of Queen Street;

Thence due South along the Easterly limit of the lands in Instrument number 32289 a distance of Thirty-eight and forty-five one-hundredths feet (38.45') more or less to a point therein distant Three Hundred and Sixty and thirty-one one-hundredths feet (360.31') measured Northerly from the Northerly limit of Water Street on a course parallel to the Easterly limit of Queen Street;

Thence North Easterly on a curve to the left of radius One Hundred and ninety feet (190.0'), said curve having an arc of Three Hundred and twenty-three and ten one-hundredths feet (323.10') and a corresponding chord of Two Hundred and eighty-six and ten one-hundredths feet (286.10') on a bearing of North Ten degrees, eight minutes and twenty seconds East ( $N. 10^{\circ}, 08', 20''$  E.);

Thence South Fifty-one degrees, Seventeen minutes and Forty-six seconds West ( $S. 51^{\circ}, 17', 46''$  W.) a distance of Twenty feet (20.0');

Thence North Westerly on a curve to the left of radius One Hundred and Seventy feet (170.0'), said curve having an arc of Three Hundred and forty-five and fifty-eight one-hundredths feet (345.58') and a corresponding chord of Two Hundred and eighty-nine and seven one-hundredths feet (289.07') on a bearing of South Eighty-three degrees, Three minutes and Thirty-nine seconds West ( $S. 83^{\circ}, 03', 39''$  W.);

Thence South Eighty-two degrees, Twenty-four minutes and Ten seconds West ( $S. 82^{\circ}, 24', 10''$  W.) a distance of One Hundred and Eighty-four and Forty-two one-hundredths feet (184.42') to a point in the Easterly limit of Queen Street distant Five Hundred and seventy feet (570.0') Northerly from the intersection of the Easterly limit of Queen Street and the Northerly limit of Water Street;

Thence Southerly along the Easterly limit of Queen Street One hundred and forty-nine and twenty-two one-hundredths feet (149.22') to the point of commencement.



## CHAPTER 156

### An Act to incorporate Sudbury Young Women's Christian Association

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS the several persons named in section 1 by Preamble their petition have prayed that special legislation be passed to incorporate Sudbury Young Women's Christian Association as a body corporate and politic for the purposes and with the powers hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Grace Hartman, Evelyn Thompson, Dorothy Holloway, Estelle Marshall, Elaine Hubbs, Joan Job, Genevra Richards and Jean Dick, and such other persons as now are or hereafter shall become members thereof, shall be and they are hereby constituted a body corporate and politic under the name of "Sudbury Young Women's Christian Association", hereinafter called the "Association". Incorporation

**2.** All property real and personal belonging to or held in trust for the former association shall henceforth be vested in the Association incorporated under this Act to be held, used, administered and disposed of, subject to the provisions of this Act, in accordance with the constitution and by-laws of the Association. Vesting of property

**3.** All property vested by this Act in the Association shall remain liable for the payment or satisfaction of any debts or any obligations heretofore contracted or incurred in respect thereto to the same extent as it would have been liable therefor had this Act not been passed. Property liable for existing debts

**4.** The Association may acquire and hold in the City and District of Sudbury any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest, either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at Power to acquire and dispose of real estate



any time acquired by the Association and not required for its actual use and purposes, or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Provisional  
directors

5.—(1) The members of the provisional board of directors of the Association shall be the said Grace Hartman, Evelyn Thompson, Dorothy Holloway, Estelle Marshall, Elaine Hubbs, Joan Job, Genevra Richards and Jean Dick, who shall hold office until the first annual general meeting of the members of the Association, which shall be held not later than the 30th day of April, 1959.

Provisional  
constitution  
and by-laws

(2) It shall be the duty of the provisional directors to adopt a provisional constitution and by-laws of the Association and submit the same to the first annual general meeting of the members of the Association for their consideration and confirmation, and the provisional constitution and by-laws when so confirmed or as the same may be varied and amended at such meeting shall be the constitution and by-laws of the Association subject to any addition to, amendment or variation of or substitution for the same as may afterwards be made as provided for therein.

First  
directors

(3) At the first annual general meeting, the directors of the Association shall be elected as provided for in the provisional constitution and by-laws, and the directors so elected shall hold office in accordance with the constitution and by-laws as finally confirmed and adopted at such meeting.

Copies of  
by-laws,  
etc., to be  
sent to  
members

(4) The provisional directors shall furnish each member of the Association with a copy of the provisional constitution and by-laws at least fourteen days prior to the date upon which the first annual general meeting is to be held and shall at the same time give notice of such meeting to the members.

Officers  
and  
directors

6. The officers of the provisional board of directors of the Association shall be the officers of the Association and shall retain their respective offices until others shall be elected in their places under the constitution and by-laws of the Association.

Objects of  
Association

7. The objects of the Association shall be the spiritual, mental, social, educational and physical welfare and improvement of young women and girls by the erection, operation, maintenance and support of meetings, lectures, reading and recreation rooms, libraries, gymnasia, athletic grounds, summer camps, aquatic facilities, dormitories, lunch rooms,

and

and such other means as may from time to time be determined upon, and to establish, maintain and operate branch associations in the City and District of Sudbury, and the Association may make all or part of its facilities and equipment available for use by such community organizations as may have as their object the general good of the citizens of the said City upon such terms and conditions as may be determined by the Association.

Power to  
extend  
privileges  
to others

**8.** The council of a municipality may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law.

Exemption  
from  
taxation

R.S.O. 1950,  
c. 24

**9.** The Association may borrow money for its purposes upon its credit and may mortgage, hypothecate or pledge any of its property real and personal as security for any loan.

Borrowing  
powers

**10.** The Association may establish an endowment fund for the purpose of promoting and extending its aims and objects and in furtherance of such purpose to obtain, set aside and hold subscriptions, donations, gifts and bequests under such regulations and conditions in respect thereto as may from time to time be decided upon by the board of directors.

Endowment  
fund

**11.** The Association may lend money upon the security of real estate and may invest and re-invest any of its funds and moneys in any debentures of municipal or public school districts or corporations, Dominion or provincial debentures, bonds, stocks, or in Dominion or provincial securities, or in any security the payment of which is guaranteed by the Dominion of Canada or any province thereof, and for all purposes of any loan or investment it shall have all such rights and remedies for collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

Power to  
lend money  
and invest  
its funds

**12.** The Association may establish, aid or support such courses of technical, vocational or trades education as the board of directors of the Association from time to time determines.

Technical  
education

**13.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**14.** This Act may be cited as *The Sudbury Young Women's Christian Association Act, 1958*.

Short title



## CHAPTER 157

## An Act respecting the Township of Sunnidale

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Township of Sunnidale <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 961 passed by the council of The Corporation of the Township of Sunnidale <sup>Debenture by-law confirmed</sup> entitled "A By-law of the Council of The Corporation of the Township of Sunnidale to raise the sum of \$22,000 for the construction of a community hall at the Village of New Lowell, in the Township of Sunnidale, pursuant to the provisions of *The Community Centres Act*, being R.S.O. 1950, Chapter 58", set forth as the Schedule hereto, is hereby validated and confirmed, and the sum of \$22,000 therein referred to may be borrowed on debentures without obtaining the approval of the Ontario Municipal Board and without the recital of the Ontario Municipal Board approval therein.

2. This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

3. This Act may be cited as *The Township of Sunnidale Act, 1958*. <sup>Short title</sup>

## SCHEDULE

By-Law No. 961

## TOWNSHIP OF SUNNIDALE

A By-Law of the Council of The Corporation of the Township of Sunnidale to raise the sum of \$22,000 for the construction of a community hall at the Village of New Lowell, in the Township of Sunnidale, pursuant to the provisions of *The Community Centres Act*, being R.S.O. 1950, Chapter 58.

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WHEREAS the Council of the Corporation of the Township of Sunnidale has been petitioned by over fifty percent of the ratepayers in that part of the Township school area described in Schedule "A" annexed hereto to construct a Community Hall at the Village of New Lowell, in the Township of Sunnidale, to serve the community so described in Schedule "A" as a Community Centre; and

WHEREAS the Council deems it advisable to construct the said Centre and to borrow the sum of \$22,000.00 on debentures of the Township of Sunnidale for such purposes; and

WHEREAS the amount of the whole rateable property available for public school purposes in the Township of Sunnidale is \$2,889,405.00; and

WHEREAS the whole rateable property in the area to be benefited is \$1,300,940.00; and

WHEREAS the existing debenture debt of the Township of Sunnidale is \$192,226.31;

NOW THEREFORE the Council of the Corporation of the Township of Sunnidale enacts as follows:

1. That the sum of \$22,000.00 be raised by the issue of debentures of the Corporation of the Township of Sunnidale for the construction of a Community Hall at the Village of New Lowell in the Township of Sunnidale to serve the area within the Township of Sunnidale described in Schedule "A" annexed hereto as a Community Centre.

2. It shall be lawful for the said Corporation to raise the sum of \$22,000.00 by the issue of debentures of the said Corporation to such an amount in sums not less than \$100.00 each, payable within twenty years from the 1st day of June, A.D. 1957.

3. The said debentures are to be so issued for the sum of \$22,000.00, shall bear interest at the rate of six per cent per annum payable yearly.

4. The said debentures so issued for the sum of \$22,000.00 in equal, annual, successive instalments; each annual instalment of principal and interest to be in such amount that the aggregate amount payable for principal and interest in any one year shall be as nearly equal as may be as to what is payable for principal and interest, for each of the other years of the said period, and one of such instalments of principal shall be payable in one year from the 1st day of June, A.D. 1957, and the remaining 19 instalments shall be payable on the same day in each of the 19 succeeding years, and the said yearly instalments of interest shall be payable at the same time, and each of the said debentures shall include the whole amount of interest payable in that year, and shall have interest coupons attached thereto for the payment of the interest thereon.



5. The interest coupons to be attached to the said debentures shall be signed by the Reeve and the Treasurer of the Corporation whose signature thereupon may be written, stamped, lithographed or engraved.

6. No reference need be made to this By-law in said debentures or in the interest coupons attached thereto.

7. The said debentures as to principal and interest shall be payable at the Toronto-Dominion Bank, New Lowell Branch, in the County of Simcoe.

8. There shall be raised and levied in each year during the currency of the said debentures, or any of them, by special rate on all the rateable property available for taxes within the area described in Schedule "A" attached hereto of the said Township of Sunnidale in the same manner as other taxes are levied, a sum sufficient to pay and discharge the several yearly sums of principal and interest so accruing due as the same become respectively payable, that is to say, the total sum of \$22,000.00.

READ A FIRST AND SECOND TIME this 2nd day of May, 1957.

ABNER RAWN,  
*Reeve.*

HERB. M. BARKER,  
*Clerk.*

READ A THIRD TIME AND FINALLY PASSED this 2nd day of May, 1957.

ABNER RAWN,  
*Reeve.*

HERB. M. BARKER,  
*Clerk.*

*Schedule "A"*DEFINED AREA FOR NEW LOWELL  
COMMUNITY HALL

- Concession 1.      Lots 1 to 12 inclusive  
                      Lots 27 and 28 E.S.R. and W.S.R.  
                      (East and West of the Sunnidale Road)  
                      Lots 17 to 24 inclusive and Lot Z.
- Concession 2.      Lots 1 to 12 inclusive  
                      Lots 25 and 26 E.S.R. and W.S.R.  
                      Lots 17 to 23 inclusive and Lot "Z".
- Concession 3.      Lots 1 to 12 inclusive  
                      Lots 23 and 24 E.S.R. and W.S.R.  
                      Lots 17 to 22 inclusive and Lot "Z".
- Concession 4.      Lots 1 to 12 inclusive  
                      Lots 21 and 22 E.S.R. and W.S.R.  
                      Lots 17 to 22 inclusive and Lot "Z".
- Concession 5.      Lots 1 to 11 inclusive  
                      Lots 19 and 20 E.S.R. and W.S.R.  
                      Lots 17 to 21 inclusive and Lot "Z".
- Concession 6.      Lots 1 to 10 inclusive  
                      Lots 17 and 18 E.S.R. and W.S.R.  
                      Lots 15 to 20 inclusive.
- Concession 7.      Lots 1 to 10 inclusive  
                      Lots 10, 11, 12 and 13 E.S.R. and W.S.R.  
                      Lots 15 to 19 inclusive.
- Concession 8.      Lots 1 to 10 inclusive  
                      Lots 12, 13, 14 and 15 E.S.R. and W.S.R.  
                      Lots 15 to 18 inclusive.

## CHAPTER 158

## An Act respecting the Township of Teck

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Township of Teck <sup>Preamble</sup> by its petition has represented that it has entered into agreements with the mining companies named in section 1 for the supply of water from the municipal system and has prayed for special legislation to confirm the said agreements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding anything contained in *The Municipal Act*, *The Public Utilities Act* or in any other Act, the six agreements dated the 1st day of October, 1957, between The Corporation of the Township of Teck and Lake Shore Mines, Limited, Wright-Hargreaves Mines, Limited, Sylvanite Gold Mines, Limited, Kirkland Minerals Corporation Limited, Macassa Mines Limited and The Teck-Hughes Gold Mines Limited, respectively, all of which are in the form set out in the Schedule hereto, are and each is hereby confirmed and declared to be legal, valid and binding upon the respective parties thereto and their respective successors and assigns. <sup>Water supply agreements confirmed R.S.O. 1950, cc. 243, 320</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Township of Teck Act*, <sup>Short title</sup> 1958.

## SCHEDULE

## WATER CONTRACT

MEMORANDUM OF AGREEMENT made (in duplicate) as of the first day of October, A.D. 1957.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF  
TECK, hereinafter called "the Municipality",

OF THE FIRST PART,

—and—

.....  
a Corporation duly incorporated under the laws of the  
Province of Ontario, hereinafter sometimes called "the  
Company",

OF THE SECOND PART.

WHEREAS the Municipality owns and operates a water system for supplying water to consumers in Kirkland Lake townsite, including pumping stations at Gull Lake and McTavish Lake and a feeder pipe line which carries water from McTavish Lake pumping station to Gull Lake (which feeder pipe line is hereinafter for convenience referred to as "the McTavish Lake Line"); and

WHEREAS under and by virtue of four certain agreements in writing dated the 22nd day of December, A.D. 1931, as amended by further agreements in writing dated the twenty-eighth day of December, A.D. 1944, between the Municipality and each of the four undermentioned mining companies, severally, to wit: Lake Shore Mines, Limited; Wright-Hargreaves Mines, Limited; Sylvanite Gold Mines, Limited and Kirkland Lake Gold Mining Company Limited (now known by virtue of lawful change of its name, as Kirkland Minerals Corporation Limited), the Municipality agreed to supply water to each of said companies at the prices and upon and subject to the terms and conditions set forth in the said several agreements; and

WHEREAS under and by virtue of a certain agreement in writing dated the 20th day of July, A.D. 1933, as amended by further agreement in writing dated the twenty-eighth day of December, A.D. 1944, between the Municipality and Macassa Mines Limited, the Municipality agreed to supply water to said company at the prices and upon and subject to the terms and conditions set forth in said agreements; and

WHEREAS under and by virtue of a certain agreement in writing dated the 22nd day of December, A.D. 1931, as amended by a further agreement in writing dated the 29th day of March, A.D. 1946, between the Municipality and The Teck-Hughes Gold Mines Limited, the Municipality agreed to supply water to said company at the prices and upon and subject to the terms and conditions set forth in said agreements; and

WHEREAS the above-mentioned five agreements dated the 22nd day of December, A.D. 1931, were confirmed and declared to be legal, valid and binding upon the parties thereto and their respective successors and assigns by Statute of the Legislature of the Province of Ontario, being Chapter 92, 22 George V, 1932; and

WHEREAS the above-mentioned agreement dated the 20th day of July, A.D. 1933, was duly authorized by By-law No. 667 of the Municipality duly enacted the 31st day of July, A.D. 1933; and

WHEREAS

WHEREAS the above-mentioned five agreements dated the twenty-eighth day of December, A.D. 1944, and the above-mentioned agreement dated the 29th day of March, A.D. 1946, were respectively duly approved by the Department of Municipal Affairs under and pursuant to Part III of *The Department of Municipal Affairs Act* and amendments thereto as required by said Statute, the Municipality being then (but not now) subject to said Part III of said Statute; and

WHEREAS the Municipality represents, (i) that the McTavish Lake Line is in need of major repairs and, (ii) that generally there has been a material increase in the cost of supplying water to the said companies since the above-mentioned agreements were made; and

WHEREAS the Municipality has requested the Company, to consent to termination of the above-mentioned agreements for the supply of water made between it and the Municipality, and, to enter into a new agreement for the supply of water to the Company by the Municipality at the prices hereinafter set forth or provided for and upon and subject to the terms and conditions hereinbelow set forth; and

WHEREAS under and by virtue of clause numbered 2 of each of the above-mentioned five agreements dated the twenty-eighth day of December, 1944, and the above-mentioned agreement dated the 29th day of March, 1946, a portion of the water prices therein fixed to be paid was to be applied to amortizing a certain sum specified therein, all upon and subject to the terms and conditions therein set forth including the right to anticipate the payment thereof or any balance thereof remaining unpaid at any time, and of such specified sums, there remained unpaid as at September 30th, 1957, by each of the above-named six companies the amount, if any, set opposite its name below, viz.:

Lake Shore Mines, Limited . . . . .	\$9,736.63
Wright-Hargreaves Mines, Limited . . . . .	Nil
Sylvanite Gold Mines, Limited . . . . .	\$7,414.43
Kirkland Minerals Corporation Limited . . . . .	Nil
Macassa Mines Limited . . . . .	\$2,312.28
The Teck-Hughes Gold Mines Limited . . . . .	\$2,077.19;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual covenants and agreement hereinafter contained, the parties hereto have agreed and do hereby agree each with the other as follows:—

1. The Company will forthwith on execution and delivery of this agreement pay to the Municipality the amount, if any, set opposite its name in the foregoing final recital, in full discharge of any liability of the Company under clause 2 of the said agreement dated the twenty-eighth day of December, 1944, or the 29th day of March, 1946, as the case may be, made between the Municipality and the Company.

2. (a) The Municipality agrees, to maintain the existing water main to the property of the Company and the existing branch line connecting said main to the distribution system of the Company, and, to supply water to the Company, through said lines, at a minimum pressure at the Gull Lake pumping station of seventy pounds for mining, milling and domestic service and one hundred and ten pounds for fire service, and, of a purity to meet the requirements of the Department of Health, for the time that the Company shall carry on mining and/or milling operations, subject however, to the provisions hereinafter contained.

(b) The Municipality further agrees to provide, install and maintain a meter at the point of connection of said branch line with the distribution system of the Company for the proper measurement of the water used by the Company, and to furnish true copies of the monthly meter readings to the Company and to render on or before the 5th day of each and every month a bill to the Company for the water supplied for the previous calendar month which shall be payable ten days after rendering; provided, however, that if the meter should fail to properly measure the water



consumed in any one month or part of a month, the average consumption for the two calendar months immediately preceding shall be taken for the month in question and a bill rendered accordingly.

3. The Municipality further agrees with the Company that, in the event of a fire occurring on the property of the Company, the Municipality will, on five minutes' notice, increase the water pressure on the general service to a point where one hundred and ten pounds pressure will be available at the Gull Lake pumping station when seven one and one-eighth inch fire hose streams are in operation on the property of the Company.

4. The Municipality further agrees to forthwith repair and put in good operating condition the McTavish Lake Line and to construct and maintain all necessary and adequate access roads for the purpose of making such repairs and for subsequent maintenance of the McTavish Lake Line.

5. (a) The word "gallons" where used in this agreement shall mean Imperial gallons and no other.

(b) The expression "Mining Companies" where used hereafter in this agreement shall include Lake Shore Mines, Limited, Wright-Hargreaves Mines, Limited, Sylvanite Gold Mines, Limited, Kirkland Minerals Corporation Limited, Macassa Mines Limited and The Teck-Hughes Gold Mines Limited during such time as they purchase water from the Municipality for mining and/or milling purposes under agreement identical in form with each other but when any of them cease so to do such expression shall include only the others or the other of them which continue or continues to so purchase water from the Municipality for such purpose or purposes; provided that none shall be deemed to have ceased to so purchase water for such purpose or purposes only by reason of its operations being temporarily suspended.

6. The parties agree that the price to be paid by the Company for water supplied to it hereunder during the five year period commencing October 1st, 1957, and ending September 30th, 1962, shall be and is hereby fixed at five and one-half cents ( $5\frac{1}{2}c$ ) per thousand gallons.

7. (a) The parties further agree, that the price per thousand gallons to be paid by the Company for water supplied to it hereunder during each succeeding period of five years after September 30th, 1962, shall be fixed and determined in the manner below set forth or provided for, as soon as conveniently may be done after commencement of each such five year period, and that, except as otherwise provided, such price shall be the average cost per thousand gallons, to the Municipality, determined as below provided, of supplying water hereunder during the last two years of the immediately preceding five year period, (such two years being hereinafter referred to as "the said two year period"), taking into account only the expense items below mentioned, and such price shall be the sum of:

- (i) The quotient when the total cost of pumping, chlorination and maintenance at the Gull Lake pump house, at the booster pumping station located on mining claim No. 1236 and at the McTavish Lake pumping station, during the said two year period, is divided by the total quantity of water in thousands of gallons pumped at Gull Lake pump house during the said two year period.
- (ii) The quotient when the total cost of maintenance of the McTavish Lake Line, during the said two year period, is divided by the total quantity of water in thousands of gallons pumped at Gull Lake pump house during the said two year period.
- (iii) The quotient when an amount equivalent to nine per cent (9%) of the total cost of maintenance of the McTavish Lake Line, during the said two year period, is divided by the total quantity of water in thousands of gallons supplied, during the said two year period, to the Mining Companies.

- (iv) The quotient when the total cost of maintenance of the meters on their respective mine properties which measure the water supplied to the Mining Companies, during the said two year period, is divided by the total quantity of water in thousands of gallons supplied, during the said two year period, to the Mining Companies.
- (v) The quotient when the total cost of maintenance of the metal supply mains listed below, during the said two year period, is divided by the total quantity of water in thousands of gallons pumped at Gull Lake pump house, during the said two year period:—

Trunk main on Third Street, Second Street, Duncan Avenue, Kirkland Street, Prospect Avenue, Government Road West, Transmission line from pump station to Government Road East;

Sixteen inch main from Gull Lake pumping station to Government Road;

Prospect Avenue main from Government Road north to the boundary of Wright-Hargreaves Mines, Limited.

- (vi) The quotient when an amount equivalent to nine per cent (9%) of the total cost of maintenance of the metal supply mains listed in the foregoing sub-paragraph (v), during the said two year period, is divided by the total quantity of water in thousands of gallons supplied, during the said two year period, to the Mining Companies.
- (vii) Three-tenths of one cent (1c) per thousand gallons, as a fixed charge, subject however to the same being increased or decreased by a percentage equal to the percentage by which the amount of the average annual salary of the waterworks superintendent, or if no waterworks superintendent, the Township engineer, during the said two year period, is greater or lesser, as the case may be, than the amount of the salary paid to the waterworks superintendent for the year 1956.
- (viii) One cent per thousand gallons, being a fixed allowance for leakage, overhead and profit.

(b) The word "maintenance" where used in this Section 7 includes replacements necessary for good operation.

(c) In determining such price, in the manner aforesaid, for any such period of five years, expenditure in the said two year period, on account of any replacement which does not recur annually, unless of a minor nature, shall be apportioned in equal yearly amounts over the estimated life of the replacement, provided that if the Municipality shall issue debentures to amortize the costs of such replacement, the expense thereof for the said two year period shall be deemed to be the amount required to service such debentures during the said two year period, i.e., principal and interest payments.

(d) Provided that the price for water to be supplied hereunder for any such period of five years shall be not less than five and one-half cents per thousand gallons subject to the condition, however, that such price shall not in any event exceed the price of water charged by the Municipality to any other consumer.

(e) Forthwith after making the calculation to determine the price for each such five year period, the Township shall furnish particulars thereof to the Company and furnish such further information in regard thereto as the Company may reasonably require.

(f) Provided, nevertheless, that the Municipality and the Company may, by a written supplemental agreement duly entered into between them, at any time and from time to time hereafter, rescind, modify or

replace the foregoing provisions of this Section 7 or any of them as the parties hereto deem expedient, but no such supplemental agreement shall have any force or effect unless and until the Municipality shall enter into a supplemental agreement, identical in form thereto, with each of the Mining Companies.

8. The Company agrees that, should a fire occur within the limits of the townsite of Kirkland Lake or on the premises of any of the Mining Companies, it will, upon five minutes notice being given, reduce the supply of water taken by it to a minimum necessary to keep the Company's mill in operation until such time as the fire shall have been extinguished, provided always that this provision shall not be effective if and when a fire should occur or be in progress on or threatening the property of the Company.

9. It is agreed that the Municipality possesses a right-of-way twelve feet in width over the property of the Company necessary for the water-works system, including the right to excavate and lay water pipes, and, subject to paragraph number 11 hereof, the right to make connections to the trunk main to supply water to any other customer; provided, however, that should the operations of the Company require any change in the location of any water pipes on its lands, the Municipality agrees, upon being given thirty days notice in writing, to move, at the expense in the first place of the Municipality, the portion of the water main or branch line required to be moved to a new right-of-way to be agreed upon between the parties hereto and the cost of such removal shall be reimbursed to the Municipality by the Company within sixty days from the date of completion thereof. The Municipality shall not be liable to the Company for any loss or interruption of service caused by reason of any removal of the water main on the property of any of the Mining Companies provided such interruption of service does not continue for a longer period than five hours and provided that the Mining Companies affected by such interruption of service shall have been given six hours previous notice.

10. The Company shall be free to use for any purpose the water taken by it from the Municipality and without restricting the generality of the foregoing it is expressly declared that the Company may—

- (a) use the water for mining, milling and domestic purposes on any property at any time owned, leased or controlled by it;
- (b) supply water for domestic use to its employees and officials on any property at any time owned, leased or controlled by it;
- (c) supply water to any subsidiary company (i.e., any company in which the majority of the issued capital stock is held by the Company);
- (d) use the water for milling custom ores;
- (e) use the water for doing contract mining work for other companies;
- (f) use the water for re-treating tailings whether its own tailings or tailings of other companies;

but the water shall be taken from the point of delivery as hereinbefore provided and except as permitted by the foregoing provisions the water is not to be resold by the Company.

11. The Municipality agrees that it will not during the currency of this Agreement supply water for any industrial purpose to any consumer at a rate which shall be less than the price then payable by the Company under this agreement, and the Municipality further agrees that the total quantity of water supplied by it for any purpose to consumers on a flat rate basis shall be charged for by the Municipality at a rate not less than the price then payable by the Company under this agreement.



It is provided further that the Municipality shall not supply water for mining and/or milling purposes to any company other than the Mining Companies at any time when the supplying of water for either of such purposes to any such other company detrimentally affects the supplying of water to the Mining Companies or any of them, or which renders inadequate the supply of water to any of the Mining Companies for mining, milling and/or domestic purposes.

12. It is further agreed by and between the parties hereto that the Municipality shall not be liable for any loss or damage occasioned through failure to supply water according to the terms of this agreement by reason of conditions beyond the control of the Municipality.

13. It is agreed by and between the parties hereto that should any dispute arise as to the meaning or interpretation of this agreement either party thereto may on giving ten days' notice in writing to the other party refer such matter in dispute to the award and determination of The Ontario Municipal Board as arbitrators, which Board shall have all the powers given by *The Arbitration Act* (Ontario) to arbitrators. The provisions of the said Arbitration Act shall govern all such references and either party shall have the right to appeal from the award of the said Board.

14. It is understood and agreed that the Municipality is entering into an agreement identical in form with this agreement with each of the Mining Companies.

15. Nothing in this agreement contained shall be construed as rendering the Company in any way liable to the Municipality for the price of water supplied by the Municipality to any person, firm or corporation other than the Company.

16. Subject to this agreement being confirmed and being declared valid and binding on the parties thereto by the Legislature of the Province of Ontario, thereupon all the aforesaid agreements entered into between each of the above named six companies and the Municipality for the supplying of water whether dated the 22nd day of December, 1931, the 20th day of July, 1933, the twenty-eighth day of December, 1944, or the 29th day of March, 1946, shall be ipso facto terminated and of no further effect, it being the intention of the parties hereto that this agreement when so confirmed by the Legislature shall supersede and replace all previous agreements, understandings and arrangements between the parties hereto respecting the supply of water by the Municipality to the Company, and the Municipality and the Company shall be mutually released from all claims and demands of each upon the other under all agreements heretofore made between them relating to the supply of water by the Municipality to the Company.

17. This agreement shall continue in force so long as the Company requires water for either mining purposes or milling purposes or both and notwithstanding any temporary suspension of its operations, but termination of this agreement shall not revive any previous agreement between the parties.

18. This agreement shall not become effective nor bind in any way either party hereto unless and until the same be confirmed and declared legal, valid and binding upon the parties hereto and their respective successors and assigns by the Legislature of the Province of Ontario, but, if and when such condition be fulfilled, this agreement shall enure to the benefit of and be binding upon the Municipality and the Company and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this agreement  
as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE MUNICIPAL CORPORATION  
OF THE TOWNSHIP OF TECK:

by  
and  
*Reeve.*  
*Clerk.*

by  
and  
*President.*  
*Secretary.*



## CHAPTER 159

## An Act respecting the Town of Thorold

*Assented to March 27th, 1958**Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Town of Thorold, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation has, since the 1st day of January, 1875, comprised and consisted of and shall continue to comprise and consist of all the land lying within the boundaries described in the Schedule hereto and the boundaries as so described have been, since the 1st day of January, 1875, and are the boundaries of the Corporation. <sup>Boundaries defined</sup>

(2) Notwithstanding the provisions of subsection 1, the road allowance lying between the Town of Thorold and the municipalities of the Town of Merriton and the Township of Grantham, and also lying between the counties of Lincoln and Welland, shall be deemed to continue to be the boundary line between the said municipalities for the purposes of Part XX of *The Municipal Act* and Part XX of *The Municipal Act* shall apply thereto, and, without limiting the generality of the foregoing, the provisions thereof with respect to jurisdiction over boundary lines, responsibility for their maintenance and repair and liability of all kinds in connection with such roads shall apply to the said boundary line. <sup>Subject to R.S.O. 1950, c. 243</sup>

(3) Notwithstanding subsection 1, all road allowances lying between the Town of Thorold and any other municipality shall be deemed to continue to be boundary lines for purposes of Part XX of *The Municipal Act* and Part XX of *The Municipal Act* shall apply thereto. <sup>Idem</sup>

2.—(1) The acceptance by the Corporation of a deed of grant from Her Majesty Queen Elizabeth II, dated the 22nd day of March, 1954, and registered in the Registry Office for <sup>Validation of acceptance of grant from Her Majesty</sup>

the

the Registry Division of the County of Welland on the 24th day of March, 1955, as No. 16292 for the Town of Thorold, of lands more particularly described in the deed is hereby confirmed as a valid act of the Corporation.

Validation  
of tenure

(2) The Corporation has validly held the lands described in deed No. 16292 for the Town of Thorold from and including the delivery and registration of the deed on the 24th day of March, 1955.

By-laws  
authorized  
to sell and  
convey

(3) The council of the Corporation may pass by-laws from time to time to sell and convey the lands, or any part thereof, described in deed No. 16292 for the Town of Thorold.

Confirma-  
tion of  
deeds

R.S.O. 1950,  
c. 96

**3.** All deeds of conveyance of lands to the Corporation heretofore taken to correct errors in or taken in lieu of or concurrently with tax sale proceedings or proceedings by way of tax arrears certificate under *The Department of Municipal Affairs Act* or any predecessor thereof are hereby confirmed and declared to be valid, and the Corporation shall be deemed to have had power to hold and dispose of such lands from and after the respective dates of registration of each of such deeds of conveyance.

Authoriza-  
tion of  
agreement  
with Thorold  
P.U.C.

**4.** The Corporation and The Public Utilities Commission of the Town of Thorold are hereby authorized to enter into an agreement,

(a) fixing the indebtedness of the Commission to the Corporation on December 31, 1957, at \$12,212.19; and

(b) providing for the payment of the sum of \$12,212.19 by the Commission to the Corporation, together with interest at the rate of 6 per cent per annum, in five equal annual instalments of principal and interest in each of the years 1958 to 1962, inclusive.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Town of Thorold Act, 1958*.

## SCHEDULE

## TOWN OF THOROLD BOUNDARIES

COMMENCING at the intersection of the southerly limit of the road allowance between the Townships of Thorold and Grantham (which road allowance is also the road allowance between the Town of Thorold and the Town of Merritton, and is also the road allowance between the Counties of Welland and Lincoln) with the easterly limit of the road allowance between original Township Lot 11, Township of Thorold, and Gore Lot 20, Township of Thorold;

Thence southerly along said easterly limit of the road allowance between original Township Lot 11 and Gore Lot 20 and its production southerly, and along the easterly limit of the road allowance between original Township Lot 19, Township of Thorold, and Lot 20, Township of Thorold, to its intersection with the southerly limit of Block "DD" according to Corporation Plan No. 11 for the Town of Thorold;

Thence easterly along said southerly limit of Block "DD" according to Corporation Plan No. 11 for the Town of Thorold to its intersection with the westerly limit of original Township Lot 18, Township of Thorold;

Thence southerly along said westerly limit of original Township Lot 18, Township of Thorold, to its intersection with the northerly limit of the road allowance between said original Township Lot 18, Township of Thorold, and Lot 31, Township of Thorold (said road allowance being now known as Richmond Street);

Thence easterly along said northerly limit of the road allowance between original Township Lot 18, Township of Thorold, and Lot 31, Township of Thorold (said road allowance being now known as Richmond Street) to the southeast angle of said Lot 18;

Thence easterly to the southwest angle of original Township Lot 17, Township of Thorold;

Thence southerly to the northwest angle of original Township Lot 30, Township of Thorold;

Thence southerly along the easterly limit of the road allowance between original Township Lot 30, Township of Thorold, and Lot 31, Township of Thorold (said road allowance being now known as Queen Street South) to its intersection with a line drawn S. 59° 44' 30" W. parallel to and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 39, 38 and 37 according to Registered Plan No. 17 for the Town of Thorold;

Thence N. 59° 44' 30" E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 37, 38 and 39 according to Registered Plan No. 17 for the Town of Thorold, 237.21 feet;

Thence N. 59° 56' 30" E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 116 and 117 according to said Registered Plan No. 17, 242.82 feet;

Thence N. 58° 12' 30" E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 117, 197, 198 and 199 according to said Registered Plan No. 17, 312.40 feet;

Thence

Thence N.  $44^{\circ} 48' 30''$  E. 99.45 feet to a point in a line drawn S.  $52^{\circ} 49' 30''$  W. parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 43, 42, 41 and 40 according to Registered Plan No. 20 for the Town of Thorold;

Thence N.  $52^{\circ} 49' 30''$  E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 40, 41, 42 and 43 according to Registered Plan No. 20 for the Town of Thorold, 321.60 feet;

Thence N.  $53^{\circ} 18'$  E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limits of Lots 117 and 118 according to Registered Plan No. 21 for the Town of Thorold, 127.47 feet;

Thence N.  $77^{\circ} 09'$  E. 526.27 feet to a point in a line drawn S.  $61^{\circ} 51' 30''$  W. parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limit of Park Lot 5, according to Corporation Plan No. 11 for the Town of Thorold;

Thence N.  $61^{\circ} 51' 30''$  E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the southerly limit of said Park Lot 5, 405.43 feet;

Thence N.  $75^{\circ} 51' 30''$  E. along a line parallel with and at a perpendicular distance of 33 feet when measured southerly from the most southerly limit of Lot "PP" according to Corporation Plan No. 11 for the Town of Thorold, 580 feet more or less to its intersection with the westerly limit of the road allowance between original Township Lot 29, Township of Thorold, and Lot 28, Township of Thorold;

Thence northerly along said westerly limit of the road allowance between original Township Lot 29, Township of Thorold, and Lot 28, Township of Thorold, to the northeast angle of said Lot 29;

Thence northerly to the southeast angle of original Township Lot 16, Township of Thorold;

Thence easterly to the southwest angle of original Township Lot 15, Township of Thorold;

Thence easterly along the northerly limit of the road allowance between original Township Lots 15 and 14, Township of Thorold, on the north, and Lots 28 and 27, Township of Thorold, on the south, to the southeast angle of original Township Lot 14, Township of Thorold;

Thence northerly along the westerly limit of the road allowance between original Township Lot 14, Township of Thorold, and Lot 13, Township of Thorold, to the northeast angle of said Lot 14;

Thence northerly to the southeast angle of original Township Lot 6, Township of Thorold;

Thence easterly to the southwest angle of original Township Lot 5, Township of Thorold;

Thence easterly along the northerly limit of the road allowance between original Township Lots 5 and 4, Township of Thorold, on the north, and Lots 13 and 12, Township of Thorold, on the south, to the southeast angle of original Township Lot 4, Township of Thorold;

Thence northerly along the westerly limit of the road allowance between original Township Lot 4, Township of Thorold, on the west, and the Township of Stamford on the east (said road allowance being also the road allowance between the Town of Thorold and the Township of Stamford), along the production of said westerly limit northerly and along the westerly limit of the road allowance between original Township Lot 1, Township of Thorold, on the west, and the Township of Stamford on the east (said road allowance being also the road allowance between the Town

of Thorold and the Township of Stamford) to the northeast angle of said Lot 1, being also the point of intersection of said last-mentioned westerly limit with the southerly limit of the road allowance between the Townships of Thorold and Grantham (said road allowance being also the road allowance between the Counties of Welland and Lincoln);

Thence southwesterly along the southerly limit of the road allowance between the Townships of Thorold and Grantham (which road allowance is also the road allowance between the Town of Thorold and the Town of Merritton, and is also the road allowance between the Counties of Welland and Lincoln) to the place of beginning.

Premising that all bearings given are astronomical, and are referred to the meridian through the northwest angle of Park Lot 5 according to Corporation Plan No. 11 for the Town of Thorold, as taken from Department of Transport, Lands Branch, File T821.

Lots hereinbefore called "original Township" lots are those lots which formed part of the Township of Thorold until incorporation, in whole or in part, within the aforesaid boundaries of the Town of Thorold.





## CHAPTER 160

## An Act respecting the City of Toronto

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Toronto, Preamble  
 herein called the Corporation, by its petition has  
 prayed for special legislation in respect of the matters herein-  
 after set forth; and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.**—(1) Where the council of the Corporation desires to Procedure on  
 expropriate land under the power conferred in *The Municipal* expropri-  
*Act* for the purpose of establishing, laying out, opening up, ation of land  
 widening, improving, protecting from erosion, altering or  
 diverting a highway, the Corporation may, instead of the  
 procedure provided by *The Municipal Act*, proceed in the R.S.O. 1950,  
 manner provided by *The Public Works Act* in the case of cc. 243, 323  
 lands taken by the Minister of Public Works for the purposes  
 of Ontario without the consent of the owner of such lands,  
 and the provisions of *The Public Works Act* shall *mutatis*  
*mutandis* apply, and the powers and duties of the Minister  
 of Public Works as set out in *The Public Works Act* may be  
 exercised and performed in the name of the Corporation.

(2) The plan and description of the lands taken, required Plan and  
 by section 17 of *The Public Works Act* to be deposited in the description,  
 registry office, shall be signed by the mayor and the clerk of filing of  
 the Corporation and by an Ontario land surveyor, and upon  
 the deposit of the plan and description the land shall become  
 and be vested in the Corporation.

**2.** The lease dated the 29th day of April, 1957, between the Lease to  
 Corporation and Dovercourt Boys' Club, set forth as the Sched- Dovercourt  
 ule hereto, is hereby confirmed and declared to be legal, valid Boys' Club,  
 and binding upon the parties thereto and the parties are confirmation  
 hereby empowered to enter into the lease and to carry out of  
 their respective obligations and exercise their respective  
 privileges thereunder.

1911, c. 119,  
s. 18,  
re-enacted

3. Section 18 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, as amended by section 8 of *The City of Toronto Act, 1947* and section 2 of *The City of Toronto Act, 1953*, is repealed and the following substituted therefor:

Salaries of  
Toronto  
Electric  
Commis-  
sioners

18. The Toronto Electric Commissioners may determine the annual salaries of its members, except the Mayor, provided that the salaries shall not exceed in the case of the chairman \$12,000 and in the case of the other member \$8,000.

Indemnifica-  
tion of Allan  
Austin  
Lampert  
authorized

4. The council of the Corporation is hereby authorized to pay to Allan Austin Lampert or his executors, administrators or assigns, an amount not exceeding \$40,000 to indemnify him on account of a judgment, costs and legal expenses incurred in an action brought by Thomas A. Ross for libel and slander arising out of certain statements made by Allan Austin Lampert and published on or about the 30th day of October, 1953, while he was Mayor and chairman of the Board of Commissioners of Police for the City of Toronto.

Historical  
board  
authorized

5.—(1) The council of the Corporation may by by-law establish a board to be known as the "Toronto Historical Board", hereinafter called the historical board, and may entrust to the historical board the construction, maintenance, control, operation and management of historic sites and properties owned or acquired by the Corporation within the City of Toronto.

Incorporation and  
members

(2) The historical board shall be a local board and a body politic and corporate and shall consist of a member of council, a member of the board of control and fifteen other members, each of whom shall be appointed by council on the nomination of the board of control, and no appointment shall be made by the council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting.

Idem

(3) The member of the board of control and the member of council may be appointed for the whole or any part of the unexpired part of their term as members of council and the fifteen other members, who shall not be members of council, shall be appointed for not more than three years.

Term of  
office

(4) Of the fifteen other members of the first historical board, five shall be appointed for the period ending December 31, 1958, five for the period ending December 31, 1959, and five for the period ending December 31, 1960.

(5) In the year 1959 and in each year thereafter, five <sup>Idem</sup> members shall be appointed and shall continue to be members until their successors are appointed, and shall be eligible for reappointment.

(6) In the case of a vacancy from any cause other than <sup>Vacancy</sup> the expiration of the term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

(7) The council of the Corporation may acquire historic <sup>Historic sites</sup> sites and properties and may provide the necessary funds for the objects of the historical board.

(8) Subject to *The Archaeological and Historic Sites Protection Act, 1953* and to such limitations and restrictions as <sup>Powers of historical board</sup> the council may impose, the historical board may, <sup>1953, c. 4</sup>

- (a) make regulations governing its proceedings, the calling of meetings and the conduct of its members and employees;
- (b) appoint a chairman and such other officials and employees as may be deemed necessary;
- (c) require the payment of fees or charges for admission to or the use of properties under its control or supervision and fix such fees and charges;
- (d) sell or distribute objects and literature of historical significance or interest, and sell, within the properties under its control or supervision, souvenirs, articles and refreshments at such prices as the historical board may decide;
- (e) fix visiting hours when any of the properties under its supervision may be open;
- (f) represent the Corporation in matters of historical significance assigned to it by council;
- (g) mark or supervise the marking of historic sites and properties designated by council within the municipality;
- (h) negotiate and enter into agreements with property owners relating to the erection and maintenance of historical markers on properties not owned by the Corporation;
- (i) produce, copy and distribute historical publications and documents relating to the history of Toronto;

(j)

- (j) carry out such other duties relating to the history and development of Toronto as may be assigned to it by council.

Remunera-  
tion

- (9) The members of the historical board shall serve without remuneration.

Seat to  
become  
vacant by  
absence

- (10) A member shall cease to be a member of the historical board if he absents himself from three successive meetings of the historical board without being authorized so to do by a resolution of the historical board entered upon its minutes.

Quorum

- (11) A quorum of the historical board shall consist of seven members.

Contracts  
with  
historical  
board

- (12) No member of the historical board nor any member of council shall have any contract with the historical board or be pecuniarily interested, directly or indirectly, in any contract or work relating to the operations or functions of the historical board.

Minutes,  
documents

- (13) The historical board shall keep minutes of its meetings, and shall keep all papers and documents pertaining to the business of the historical board, and all books, documents and files kept by the historical board shall be open to the inspection of the members of council or of any other person or persons appointed for that purpose by council.

Budget and  
expenditures

- (14) The historical board shall submit to the board of control an annual budget of its estimated revenues and expenditures in a form satisfactory to the city treasurer, and when money is provided by council, the treasurer shall pay out such money as the historical board may from time to time require.

Insurance

- (15) The historical board shall deposit and keep on deposit with the city treasurer insurance policies indemnifying the Corporation against public liability and property damage in respect of the properties under the control or supervision of the historical board.

Annual  
report

- (16) Immediately after the end of each year, the historical board shall submit its annual report to council, including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Audit

- (17) The city auditor shall be the auditor of the historical board and all books, documents, transactions, minutes and accounts of the historical board shall at all times be open to his inspection.



(18) The historical board shall apply the revenue received by it to the payment of its expenses in the performance of its functions, provided that it may apply any funds donated to the historical board by a private donor to the specific purpose designated by the donor. Payment of expenses

(19) Except as to any funds received from a private donor for a specific purpose, the historical board shall pay over any net revenue to the Corporation. Net revenue

(20) The powers, rights and authority of the Corporation to acquire lands or to raise money for the acquisition of lands or the construction of buildings shall not be transferred to the historical board. Debentures and acquisition of land

(21) The council of the Corporation may by by-law repeal or amend from time to time any by-law passed under the authority of this section and, upon the passing of a by-law to repeal, the historical board shall cease to exist and the whole of its undertaking, property, documents and other assets shall be and become vested in the Corporation, and be subject to the control and management of council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made. Amendment or repeal of by-law

**6.**—(1) The council of the Corporation is authorized to pay additional remuneration, not exceeding a total of \$5,000 per annum at an annual rate not exceeding \$2,500, to the members of council who serve as members of the special committee established to implement the recommendations contained in the report of J. D. Woods and Gordon Limited, dated January 31, 1957, on the civic administration of the Corporation. Remuneration to members of Committee of Implementation authorized

(2) This section shall have effect for a period of three years commencing April 1, 1957. Effective period

**7.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1958. Idem

**8.** This Act may be cited as *The City of Toronto Act, 1958*. Short title

## SCHEDULE

THIS INDENTURE made in triplicate this 29th day of April, one thousand nine hundred and fifty-seven.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO  
(hereinafter called "the Lessor"),

OF THE FIRST PART,

—and—

DOVERCOURT BOYS' CLUB, a Corporation incorporated without share capital under the laws of the Province of Ontario, having its head office at the City of Toronto in the said Province (hereinafter called "the Lessee"),

OF THE SECOND PART.

WHEREAS under an Indenture dated December 28, 1895, The Land Security Company conveyed to the Lessor for park purposes the lands and premises situate, lying and being in the City of Toronto in the County of York being composed of part of the Block of land lying between the easterly limit of Bartlett Avenue and the westerly limit of Westmoreland Avenue marked "Reservation" and shown on a plan filed in the Registry Office for the County of York as No. 622, but now on file in the Registry Office for the Registry Division of Toronto known municipally as Dovercourt Park;

AND WHEREAS the Lessee is incorporated as a corporation without share capital under the provisions of *The Corporations Act, 1953*, with the objects necessary to enable it to construct and erect a Club House building, establish, equip, maintain, operate and conduct a club for the accommodation, recreation and convenience of boys and girls and provide and promote behaviour guidance, the health, social, educational, vocational and character development of boys and girls;

AND WHEREAS the Lessee has requested the Lessor to demise and lease unto the Lessee that part of the said lands and premises known municipally as Dovercourt Park, hereinafter described and outlined in red on the attached Print of Plan dated April 4, 1957, prepared by the City Surveyor of the Lessor, for the construction thereon by the Lessee of a club house building to be used by the Lessee exclusively (with the exception of certain ground floor rooms hereinafter specified that will be used by the Lessor) for the purposes of a club for boys and girls regardless of race, colour and creed, in accordance with the objects set forth in the original Letters Patent incorporating the Lessee;

AND WHEREAS as appears by Report No. 1 of the Committee on Parks and Exhibitions of the Lessor as adopted in Council on the 21st day of January, 1957, as amended by Report No. 8 of the said Committee adopted in Council on the 29th day of April, 1957, it was recommended that the said parcel be demised and leased unto the Lessee for such purposes, for the term, at the rent and upon the terms and conditions all as in the said Reports and hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Lessee, the Lessor doth demise and lease unto the Lessee firstly, for the sole purpose of a site for a club house building that is to be constructed by the Lessee, ALL AND SINGULAR that certain parcel or tract

of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of the Block of land lying between the easterly limit of Bartlett Avenue and the westerly limit of Westmoreland Avenue marked "Reservation" and shown on plan filed in the Registry Office for the County of York as No. 622, but now on file in the Registry Office for the Registry Division of Toronto, the boundaries of the said parcel being described as follows:

COMMENCING at a point in the westerly limit of Westmoreland Avenue where the same is intersected by the southerly limit of a parcel of land established as a public highway by City of Toronto By-law No. 4778 and described secondly therein the said highway being now known as Fernbank Avenue;

Thence westerly along the said southerly limit of Fernbank Avenue one hundred and sixty-five feet (165');;

Thence southerly parallel to the said westerly limit of Westmoreland Avenue one hundred and ninety feet (190');;

Thence easterly parallel to the said southerly limit of Fernbank Avenue one hundred and sixty-five feet (165') to the said westerly limit of Westmoreland Avenue;

Thence northerly along the last-mentioned limit one hundred and ninety feet (190') more or less to the point of commencement which said parcel is outlined in red on the Print of Plan dated April 4, 1957, prepared by the City Surveyor hereto annexed and forming a part hereof, and secondly, upon the completion of the construction of the club house building on the hereinbefore described parcel and the Lessee giving to the Lessor notice in writing of such completion, the said building (with the exception of the interior of the ground floor rooms that will be used by the Lessor shown blocked in green on the floor plan dated December, 1956, also annexed hereto and forming a part hereof hereinafter referred to as "the City Accommodation") exclusively for the purposes of a Club for boys and girls regardless of race, colour and creed, in accordance with the objects of the Lessee set forth in its original Letters Patent dated the 18th day of July, 1957, it being mutually understood and agreed by and between the parties hereto that the said building with the exception noted above, shall thereupon form and for all purposes be considered an integral part of the premises hereby demised.

TO HAVE AND TO HOLD the said demised premises for and during the term of twenty-one years from the first day of May, 1957, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING THEREFOR yearly and every year during the term hereby demised the sum of One Dollar (\$1.00) payable in advance to the Treasurer of the Lessor at his office in the City Hall, Toronto, on the first day of May in each and every year during the term hereby demised, the first of such payments to become due and be paid on the execution hereof.

#### THE LESSEE COVENANTS WITH THE LESSOR AS FOLLOWS:

1. To pay rent and to pay taxes, including taxes for local improvements, and all the rates, whether municipal or parliamentary, assessed against the premises hereby demised provided that when and so often as the Lessee shall neglect or omit to pay any such taxes, rates, local improvement rates or other assessments, the Lessor may pay the same and may thereupon charge them to the Lessee who hereby covenants to pay the same forthwith, and agrees with the Lessor that the Lessor shall have and enjoy the same remedies and may take the same steps for recovery thereof as the Lessor would and could have and take for the recovery of rent in arrears;

2. To repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted;



3. That the Lessor may enter and view state of repair; and the Lessee will repair according to notice in writing, reasonable wear and tear and damage by fire, lightning and tempest only excepted;

4. That the Lessee will not assign or sub-let without leave provided that such consent may notwithstanding any statutory provisions to the contrary, be arbitrarily refused by the Lessor in its sole and uncontrolled discretion;

5. That the Lessee will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted;

6. That the Lessee will pay all hydro-electric charges, gas and water rates assessed or chargeable upon or in respect to the premises hereby demised and shall be responsible for providing the necessary janitorial services for the said demised premises;

7. That the Lessee shall be responsible for heating the premises hereby demised entirely at the expense of the Lessee and shall during the said term provide the City Accommodation with adequate and suitable heat that will maintain a minimum temperature of the air in such accommodation that will at all times be satisfactory to the Commissioner of Parks and Recreation of the Lessor and for the provision of heat by the Lessee to the City Accommodation as hereinbefore set forth, the Lessor shall pay to the Lessee that portion of the total annual cost to the Lessee of providing heat for the entire club house building that will be constructed by the Lessee on the land hereby demised (including the City Accommodation) that bears the same ratio to such total cost as the amount of space comprising the City Accommodation bears to the total amount of space in the said club house building, calculated on a cubic foot basis;

8. That the Lessee will at all times during the said term keep the premises hereby demised in a clean, orderly and sanitary condition and shall not litter or permit or allow to be littered the lands and premises adjoining the said demised premises by persons using the said demised premises with the consent of the Lessee;

9. That the Lessee will not,

- (a) keep or sell or permit or allow to be kept or sold in or upon the premises hereby demised or any part thereof, any spiritous liquors;
- (b) permit or allow any boisterous or unseemly conduct in or upon the said demised premises; and
- (c) make or do or permit or allow to be made or done anything, in or upon the said demised premises, which should be deemed a nuisance or which shall be offensive or shall be annoying to the Lessor or to the users or occupiers of adjacent properties;

10. That the Lessee will not carry on or permit or allow to be carried on, in or upon the premises hereby demised any business whatsoever and that the Lessee will not use or occupy the said land hereby demised or permit or allow the said demised land to be used or occupied for any purpose whatsoever other than as a site for a club house building and that upon the completion of the construction of a club house building on the said demised land, such building shall be used and occupied by the Lessee exclusively for the purposes of a club for boys and girls regardless of race, colour and creed, in accordance with the objects of the Lessee set forth in the original Letters Patent incorporating it; and it is hereby mutually understood and agreed by and between the Lessor and the Lessee that in the event that at any time the premises hereby demised are not being used by the Lessee, or are being used in contravention of this covenant and agreement, and such failure to use or contravention of this covenant and agreement as the case may be, continues for thirty days after the receipt by the Lessee of notice in writing from the Lessor or the said Commissioner of Parks and Recreation setting out the particulars of such failure or contravention as the case may be, the Lessor in any such case shall have the right to forthwith terminate this lease and thereupon all the rights

of the Lessee hereunder shall immediately cease, determine and be at an end and the Lessor may re-enter and take possession of the said demised premises without process of law, and without being liable for payment to the Lessee of any compensation or other monies whatsoever including without limiting the generality of the foregoing any compensation for or in respect to any building or improvement erected or made by the Lessee upon the said demised land;

11. That the Lessee will not erect, place or demolish or permit or allow to be erected, placed or demolished on the land hereby demised any building or other structure or erection of any kind whatsoever or any part thereof, or make or suffer to be made any extensions, additions, alterations or improvements whatsoever to the said demised premises without the approval of the Commissioner of Parks and Recreation of the Lessor and a permit therefor from the Commissioner of Buildings of the Lessor, first had and obtained;

12. That the Lessee shall submit for the approval of the Commissioner of Parks and Recreation of the Lessor the plans and specifications of the club house building that will be constructed by the Lessee on the land hereby demised and the Lessee shall construct the said club house building strictly in accordance with such plans and specifications as approved by the said Commissioner, and any other structure or erection of any kind to be erected or placed on the said demised premises shall be subject to the approval of the said Commissioner of Parks and Recreation as to location and design first had and obtained;

13. That the Lessee from time to time and at all times during the currency of this lease, shall at the cost, charge and expense of the Lessee obtain all permits and licenses required by and incident to the use and occupation of the premises hereby demised by the Lessee or any other person;

14. That the Lessee will not put up or exhibit, or permit or allow to be put up or exhibited upon any part of the premises hereby demised, any sign, notice, notice-board, painting, design or other device advertising any business, undertaking or scheme, or any other sign or advertisement that may be objectionable to the Commissioner of Parks and Recreation of the Lessor without the consent in writing of such Commissioner or of some other officer of the Lessor authorized to give such consent, first had and obtained;

15. That the Lessee from time to time and at all times during the term of this lease, will maintain at the sole expense of the Lessee and deposit and keep deposited with the Lessor, a public liability and property damage policy that is satisfactory in every respect to the City Treasurer of the Lessor and that will protect the Lessor against all loss, cost, charges, damages and expenses whatsoever which may be paid, sustained, suffered or incurred by the Lessor by reason of, on account of, or incidental to the death of or any injury to any person, or any damage to or destruction of property arising out of or as a result of this lease of the premises hereby demised by the Lessor to the Lessee and/or the use and occupation of the said demised premises by the Lessee and its servants, employees, agents, contractors, licensees and invitees or any of them or otherwise howsoever.

PROVISO for re-entry by the Lessor on non-payment of rent or non-performance of covenants.

THE LESSOR COVENANTS WITH THE LESSEE as follows:

1. For quiet enjoyment;

2. That if, at the expiration of the term hereby granted, or of any future term of twenty-one years, the Lessee shall be desirous of taking a renewal lease of the premises hereby demised for a further term of twenty-one years, the Lessee then conforming to all the terms and conditions herein mentioned and set forth and having given to the Lessor thirty days' notice in writing of such desire, the Lessor will at the cost and charges of the Lessee, grant except as is herein otherwise provided, such renewal

lease



lease for the further term of twenty-one years from the expiration of the present or existing lease, at the same rent, and with the exception of the provisions requiring the payment by the Lessor to the Lessee of compensation for the club house building referred to therein, containing similar covenants, provisos and agreements as in this lease set forth, provided that the Lessor shall not be compellable to renew this or any future lease, and in the event of it not so renewing, the Lessee shall not be entitled to receive any compensation whatsoever for or in respect to any building or improvement erected or made by the Lessee on the land hereby demised;

3. That upon the completion of the construction of the club house building on the land hereby demised and the Lessee giving to the Lessor notice in writing of such completion, the Lessor shall during the remainder of the said term and at the expense of the Lessor insure and keep insured against damage or destruction by fire or any peril listed in the standard supplemental contract, the said club house building in a sum sufficient to cover the full insurable value of the said club house building, and in the event of damage to or the destruction of the premises hereby demised or any part thereof as aforesaid, the Lessor shall apply the proceeds of insurance covering such damage or destruction to restore, replace or repair the said demised premises or part thereof, as the case may be;

4. That the Lessor shall be responsible for providing janitorial services for the City Accommodation.

IT IS HEREBY DECLARED AND AGREED by and between the parties hereto as follows:

1. That in the event of the Lessor or The Municipality of Metropolitan Toronto requiring possession of the premises hereby demised at any time for a municipal purpose or purposes, the Lessor shall have the right to terminate this lease upon giving to the Lessee at any time one year's notice in writing of the intention of the Lessor to terminate the said lease and such notice having been given, the said lease shall terminate exactly one year after the receipt of such notice by the Lessee;

2. If the Lessee has completed the construction of the club house building on the land hereby demised and has given to the Lessor notice in writing of such completion, the Lessee shall upon the expiration of the one year period after the receipt by the Lessee of a notice from the Lessor as provided in Declaration and Agreement No. 1 hereof, be entitled to receive from the Lessor compensation for the said club house building in the amount of the total capital cost to the Lessee of constructing the said club house building (exclusive of the amount of the capital building grant made or to be made by the Lessor to the Lessee, namely, the sum of thirty-five thousand dollars (\$35,000.00)) less an amount for depreciation in respect thereto calculated on the basis of five (5) per centum per annum of the said total capital cost for the period from the date of commencement of the term hereby demised to the date of the said expiration provided that if the date of the said expiration is other than the 30th day of April in any year during the said term, the amount for depreciation for the lease year in which the date of the said expiration occurs, shall be that proportion of five (5) per centum of the said total capital cost that the number of days in the said lease year from the 1st day of May to the date of the said expiration bears to the total number of days in the said lease year provided that for the purpose of calculating the compensation to be paid by the Lessor to the Lessee hereunder, the total capital cost to the Lessee of constructing the said club house building shall be the actual original capital cost to the Lessee of constructing the said club house building notwithstanding that the said club house building may have been restored, replaced or repaired in the event of damage to or the destruction of the said club house building or any part thereof by reason of fire or any peril listed in the standard supplemental contract, and provided further that the Lessee shall not under any circumstances be entitled to receive any compensation whatsoever from the Lessor for the unexpired residue of the term of this lease, if any;

3. That after the completion of the construction of the club house building by the Lessee on the land hereby demised, such building and any

extensions,

extensions, additions, alterations, and improvements thereto that may be erected or made from time to time, and any other structure or erection that may be placed or erected on the said demised land, shall for all purposes be the sole property of the Lessor;

4. That the Lessor shall be responsible for landscaping and maintaining at the expense of the Lessor those parts of the premises hereby demised comprising the ground areas remaining after the completion of the construction of the club house building by the Lessee on the land hereby demised, and the Lessor and its servants, employees, agents, contractors, invitees and licensees or any of them shall at any and all times be entitled to ingress and egress to and from the City Accommodation;

5. That any notice that the Lessor may be required to give to the Lessee under the provisions of this lease shall for all purposes be deemed to have been sufficiently and properly given if forwarded by registered mail and addressed to the Lessee at the demised premises and shall irrefutably be presumed to have been received by the Lessee on the third day following such registration;

6. That the Lessor shall at its own cost and expense take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this lease, and in the event that an application by the Lessor for such legislation is refused, the Lessor shall have the right to terminate this lease upon giving to the Lessee at any time thirty days' notice in writing of the intention of the Lessor to terminate the said lease, and such notice having been given, this lease will terminate exactly thirty days after the receipt of such notice by the Lessee and if the Lessee has completed the construction of the club house building on the land hereby demised and has given to the Lessor notice in writing of such completion, the Lessee shall upon the expiration of the thirty day period after the receipt of such notice given by the Lessor to the Lessee as in this Declaration and Agreement provided, be entitled to receive from the Lessor compensation for the said club house building in accordance with the provisions with respect thereto hereinbefore set forth in Declaration and Agreement No. 2 hereof PROVIDED that the Lessee shall not under any circumstances be entitled to receive any compensation whatsoever from the Lessor for the unexpired residue of the term of this lease AND PROVIDED FURTHER THAT if this lease is terminated by the Lessor as herein provided prior to the 1st day of July, 1958, and the construction of the said club house building is not completed at the date of such termination, the Lessee shall have until the 1st day of July, 1958, to complete the construction of the said club house building as in this lease provided and if the construction of the said club house building is completed by the Lessee on or before the 1st day of July, 1958, the Lessee shall be entitled to receive compensation for the said club house building as hereinbefore set forth notwithstanding the prior termination of this lease by the Lessor, and in the event that this lease is terminated under the circumstances in this proviso set forth, the Lessee shall be responsible for maintaining the public liability and property damage policy referred to in covenant No. 15 hereof on the part of the Lessee, as herein set out;

7. That every covenant, proviso, declaration and agreement herein contained shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns respectively;

8. That the capital grant of thirty-five thousand (\$35,000.00) dollars that the Lessor has authorized to be made to the Lessee, shall be applied by the Lessee to the capital cost of the club house building to be constructed by the Lessee on the land hereby demised as in this lease provided, and in the event that the Lessee does not proceed with or complete the construction of the said club house building, the Lessee shall return to the Lessor the whole of the said grant then remaining that has not been used for the purpose hereinbefore mentioned.

IN WITNESS WHEREOF the Lessor and the Lessee have hereunto affixed their respective corporate seals attested to by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

Authorized by Reports Nos. 1 and 8 of the Committee on Parks and Exhibitions adopted in Council on January 21 and April 29, 1957, respectively, and by Report No. 12 of the said Committee adopted in Council on June 24, 1957.

THE CORPORATION OF THE CITY  
OF TORONTO:

NATHAN PHILLIPS,  
*Mayor,*

(Seal)

W. M. CAMPBELL,  
*Deputy Treasurer.*

DOVERCOURT BOYS' CLUB:

C. W. FOSTER,  
*President,*

(Seal)

T. D. MILLER,  
*Vice-President.*

[Plan showing part of Dovercourt Park, Toronto, attached.

Sketch of proposed changing rooms in the Dovercourt Boys' Club for the Parks and Recreation Department, City of Toronto, attached.]

## CHAPTER 161

**An Act respecting  
United Community Fund of Greater Toronto**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS United Community Fund of Greater Toronto, <sup>Preamble</sup>  
a corporation incorporated under *The Corporations Act*, 1953, c. 19  
1953, by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding subsection 2 of section 79 of *The* <sup>Notice of</sup>  
*Corporations Act*, 1953, United Community Fund of Greater <sup>meetings</sup>  
Toronto may give notice of meetings of its members by  
publishing such notice at least once in a daily newspaper  
published in the City of Toronto in such manner as the by-  
laws of United Community Fund of Greater Toronto may now  
or hereafter provide.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The United Community Fund* <sup>Short title</sup>  
*of Greater Toronto Act*, 1958.





## CHAPTER 162

## An Act respecting St. Michael's College

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS St. Michael's College by its petition has Preamble represented that it was incorporated by *An Act to incorporate St. Michael's College in the Diocese of Toronto*, being chapter 237 of the Statutes of the Province of Canada, 1855, as amended by *The St. Michael's College Act, 1954*, and 1954, c. 130 that it has conducted and maintained an institution of learning in the City of Toronto; and whereas the petitioner has prayed for legislation conferring upon it university status and such ancillary powers as are necessary to carry out its functions; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "alumni" means former students of St. Michael's College, or of The Institute of Mediaeval Studies, or of The University of St. Michael's College;
- (b) "Basilian Fathers" means the General Council of the Congregation of the Priests of St. Basil, a religious congregation of the Roman Catholic Church;
- (c) "graduates" means the graduates of St. Michael's College, or of The Institute of Mediaeval Studies, or of The University of St. Michael's College, who hold degrees;
- (d) "The University" means The University of St. Michael's College.

2.—(1) St. Michael's College, as incorporated by *An Act* College continued as University *to incorporate St. Michael's College in the Diocese of Toronto*, being chapter 237 of the Statutes of the Province of Canada,

1855, as amended by *The St. Michael's College Act, 1954*, is hereby continued as a body corporate hereafter to be called and known as The University of St. Michael's College.

## Officers

(2) Until their successors are appointed, the persons holding office as Superior, Vice-Superior and Councillor of St. Michael's College shall be the President, Vice-President and Councillor, respectively, of The University.

## University powers

3.—(1) The University shall have university powers including the powers to grant degrees and honorary degrees, and shall be a university federated with the University of Toronto.

## Suspension of degree-granting powers

(2) The power and authority of conferring degrees, except degrees in theology, of The University shall be suspended and in abeyance so long as The University remains federated with the University of Toronto, but may be resumed by The University if The University shall have ceased to be a university federated with the University of Toronto, within the meaning of *The University of Toronto Act, 1947*.

1947, c. 112

## Collegium

4.—(1) The University shall be under the management and administration of the Collegium which is hereby constituted as a body corporate under that name.

## Membership

(2) The Collegium shall consist of the following members:

- (a) the President of The University;
- (b) the Vice-President of The University;
- (c) the Councillor of The University;
- (d) the Praeses of The Institute of Mediaeval Studies;
- (e) the Principal of St. Michael's College;
- (f) the Registrar of The University;
- (g) the Bursar of The University;
- (h) three members who shall be elected by the before-mentioned members according to the regulations which may be made from time to time by the Collegium.

## Chairman, Treasurer

(3) The President and Bursar of The University shall be the Chairman and Treasurer, respectively, of the Collegium.

## Executive Committee

(4) The President, Vice-President and Councillor of The University shall constitute the Executive Committee of the Collegium.

(5) If the office of any elected member becomes vacant during his term of office, it shall be filled by the Collegium for the unexpired portion of such term. Vacancy in office of elected member

5.—(1) The Collegium shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase, acquire, take and hold by gift, devise or otherwise real and personal property for the purpose of The University without licence in mortmain, and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof. Property R.S.O. 1950, c. 184

(2) The real and personal property vested in the Collegium and any lands and premises leased to or occupied by the Collegium shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but, except as mentioned in subsection 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Collegium and every occupant other than the Collegium of real property vested in the Collegium shall be liable to taxation. Tax exemption

(3) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant, Lessees or occupants of certain lands exempted

(a) being a member of the teaching staff or an officer or servant of The University; or

(b) being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots Nos. eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot No. fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as No. 8654R in the registry office for the Registry Division of the City of Toronto,

but the interest of every such lessee or occupant shall be exempt from taxation.

6. All real and personal property now vested in St. Michael's College or held in trust for St. Michael's College or now vested in, or held in trust for, The Institute of Mediaeval Studies shall be and is hereby vested in the Collegium. Property vested in Collegium

Application  
of property  
and revenue

7. All the property which shall at any time belong to the Collegium, as well as the revenue thereof, shall at all times be exclusively applied and appropriated to the advancement of education.

Books of  
account

8. The Collegium shall keep proper books of account of the financial affairs of The University.

Collegium  
powers

9. The Collegium shall have power,

(a) to prescribe the respective duties, power and authority of the officers and servants of The University;

(b) to make by-laws, rules and regulations,

(i) pertaining to meetings of the Collegium and its transactions, for fixing the quorum of the Collegium and for the appointment of such committees (other than the Executive Committee) as it may deem necessary, and for conferring on any such committees power and authority to act for the Collegium in and in relation to such matters as the Collegium may deem it expedient to delegate to a committee with power to act for the Collegium,

(ii) as to the selection and appointment of the President, Vice-President and Councillor, and any other officers of The University, or any of its colleges, schools, faculties, seminaries, institutes and halls,

(iii) in respect of all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of The University which are not contrary to this Act or are not by this Act assigned to any other body;

(c) to appoint a Chancellor;

(d) to appoint a librarian, professors, lecturers, instructors, tutors, fellows and all officers, agents and servants of The University and its constituent parts, for whose appointment no other by-laws, rules or regulations have been made, and to remove the same and to determine their salaries, duties and tenure of office, which, unless otherwise provided, shall be at the pleasure of the Collegium, provided, however, that the members of the faculty of theology



be duly approved by The Roman Catholic Archbishop of Toronto or by the Basilian Fathers, and provided further that any by-law affecting The Institute of Mediaeval Studies shall have first been approved by the Praeses of The Institute of Mediaeval Studies;

- (e) subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Collegium and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Collegium may seem meet;
- (f) to lay out and expend such sums as the Collegium may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of The University or the students thereof;
- (g) to establish faculties, departments, colleges, schools, institutes, seminaries, halls, chairs and lectureships within The University;
- (h) to receive and administer all gifts, legacies, devises, grants, subscriptions or donations for The University and its constituent parts subject to the powers of the Senate under clause *f* of section 11;
- (i) to impose tuition and other fees on the students of The University;
- (j) to apply for, purchase or otherwise acquire any copyright or like right or any interest therein or right thereunder, and use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy.

**10.**—(1) There shall be a Senate of The University which Senate shall consist of the following members:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the members of the Collegium;

(d)



(d) such members of the teaching staff as shall be appointed in accordance with the regulations of the Senate;

(e) eight representatives elected every four years by the graduates and alumni of The University.

Chairman

(2) The Vice-Chancellor shall be Chairman of the Senate.

Term of  
office

(3) The members of the Senate shall hold office until their successors are appointed or elected, as the case may be.

Powers of  
Senate

**11.** The Senate shall have power,

(a) to provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business;

1947, c. 112

(b) subject to *The University of Toronto Act, 1947*, to provide for the granting of and to grant degrees, including honorary degrees, in the several colleges, schools, seminaries, faculties, institutes and halls which are or may from time to time be established and to determine the courses of study and qualifications for degrees;

(c) to make such regulations as may be deemed necessary and proper for the nomination and election of the members of the Senate;

(d) to establish faculty and other councils, and to make regulations providing for the constitution of such councils and defining their powers and duties;

(e) to make regulations respecting, and deal with, admission of students, courses of study, conduct of examinations and all other matters of a strictly educational nature which are not by this Act assigned to another body or officer;

(f) to provide for the establishment of fellowships, scholarships, bursaries, exhibitions, medals, prizes and other awards;

(g) to summon and provide for the holding of Convocation for the conferring of degrees and for such other purposes as may be determined by the Senate;

(h) to appoint such representatives to the Senate of the University of Toronto as *The University of Toronto Act, 1947* may authorize;

(i)

- (i) to deal with such other matters and affairs as may from time to time be committed to it by the Collegium.

**12.—**(1) Convocation shall consist of the members of the Convocation Collegium, the members of the Senate, all members of the teaching staff of The University and all graduates and alumni of The University.

- (2) Convocation shall be convened by the Senate. Convened by Senate

(3) The Chancellor shall preside at Convocation and shall Chancellor to preside confer degrees.

(4) The Vice-Chancellor shall, in the absence of the Vice-Chancellor Chancellor, preside at Convocation and confer degrees.

(5) In the absence of both the Chancellor and the Vice-Chancellor, the Senate shall name a full professor from the In absence of Chancellor and Vice-Chancellor teaching staff to preside at Convocation and confer degrees.

**13.—**(1) The President shall have all the rights, powers President, powers and duties and privileges conferred on the Superior of St. Michael's College by *The University of Toronto Act, 1947*, and shall be charged with the general oversight of The University as a whole, and shall be the Vice-Chancellor and the senior administrative officer of The University.

(2) The Registrar shall be the Secretary of the Senate and Registrar to be secretary, duties shall,

- (a) keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in The University;

(b) register all students of The University;

(c) conduct the elections of the representatives of the graduates and alumni on the Senate of The University; and

(d) perform such other duties as may be assigned to him by the Senate or the Collegium.

(3) The President, the Principal and the Registrar shall President, Principal and Registrar, general duties also perform such other duties and functions as may be assigned to them by the Collegium and shall in all matters pertaining to their offices act under the direction and control of the Collegium.

Arts faculty **14.** The arts faculty of The University in its relation to the University of Toronto shall be known as and may be called a college of the University of Toronto bearing as such college the name St. Michael's College.

Institute of Mediaeval Studies **15.** The Institute of Mediaeval Studies is hereby established as a graduate school of research in theological studies in The University.

Chancellor of St. Michael's College continued **16.**—(1) The Chancellor of St. Michael's College is hereby continued and shall be known as the Chancellor of The University of St. Michael's College.

Officers and staff continued (2) The Registrar, the Librarian, the Bursar and all members of the teaching staff of St. Michael's College, and other officers, servants and employees of St. Michael's College, are hereby continued in their respective engagements in The University.

Repeal: **17.** The following are repealed:

1855, c. 237 1. *An Act to incorporate St. Michael's College in the Diocese of Toronto*, being chapter 237 of the Statutes of the Province of Canada, 1855.

1954, c. 130 2. *The St. Michael's College Act, 1954.*

Commencement **18.** This Act comes into force on the 1st day of July, 1958.

Short title **19.** This Act may be cited as *The University of St. Michael's College Act, 1958.*

## CHAPTER 163

## An Act respecting the City of Waterloo

*Assented to March 27th, 1958*  
*Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Waterloo Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Subsection 1 of section 2 of *The Town of Waterloo Act*, 1939, c. 77,  
*1939* is repealed and the following substituted therefor: s. 2, subs. 1,  
re-enacted

(1) The Civic Auditorium shall be under the manage- Commission  
ment and control of a commission consisting of,

(a) the mayor; and

(b) eight resident ratepayers who are not alder-  
men to be appointed by the council of the  
corporation.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The City of Waterloo Act, 1958*. Short title





## CHAPTER 164

## An Act respecting Waterloo College Associate Faculties

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS Waterloo College Associate Faculties, herein Preamble  
called the Corporation, by its petition has represented  
that it was incorporated under *The Corporations Act, 1953* 1953, c. 19  
by letters patent bearing date the 4th day of April, 1956,  
and that the purposes for which the College was incorporated  
would be further promoted if the directors of the Corporation  
were granted the power to expropriate lands for the purposes of  
the College; and whereas the petitioner has prayed that it be  
enacted as hereinafter set forth; and whereas it is expedient to  
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Without limiting the general powers conferred upon or Expropria-  
tion powers  
vested in the directors of the Corporation by letters patent  
dated the 4th day of April, 1956, the directors of the Cor-  
poration have power, without the consent of the owner or  
of any person interested therein, other than a municipal cor-  
poration, to enter upon, take, use and expropriate all such  
real property as they deem necessary for the purposes of the  
College, making due compensation for any such real property  
to the owners and occupiers thereof and all persons having  
any interest therein, and the provisions of *The Municipal Act* R.S.O. 1950,  
c. 243  
as to taking land compulsorily and making compensation  
therefor and as to the manner of determining and paying  
the compensation *mutatis mutandis* apply to the directors of  
the Corporation and to the exercise by them of the powers  
conferred by this Act, and, where any act is by any of such  
provisions required to be done by the clerk of a municipality  
or at the office of such clerk, the like act shall be done by or  
at the office of the treasurer of the Corporation or by or at  
the office of such officer of the Corporation exercising the office  
of a treasurer, as the case may be.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Waterloo College Associate Faculties Act, 1958*.

## CHAPTER 165

**An Act respecting  
the Village of West Lorne**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the Village of West Lorne by its petition has prayed for special legislation to confirm and validate By-law No. 613 and By-law No. 623 of the Corporation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** By-law No. 613 and By-law No. 623 of The Corporation of the Village of West Lorne, set forth as the Schedule hereto, are hereby confirmed and declared to be legal, valid and binding from the date of the passing of such by-laws. By-laws  
confirmed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 3.** This Act may be cited as *The Village of West Lorne Act*, 1958. Short title

## SCHEDULE

## BY-LAW No. 613

A By-law to provide for the repair and improvement of the Wilton Drain outlet and branch in the Township of Aldborough and for the borrowing on the credit of the Municipality of West Lorne the sum of Thirteen Hundred and Sixty Dollars (\$1360.00) for completing same.

Provisionally adopted October 22, 1955.

WHEREAS complaint has been made to Council of the Village of West Lorne regarding the present condition of that certain Ditch or Drain in West Lorne and the Township of Aldborough called and known as the Wilton Drain Outlet and Branch and the said Council has been requested to take such steps as may be necessary to repair the said Ditch or Drain;

AND WHEREAS thereupon the said Council procured an examination to be made by H. H. Todgham, C.E., being a person competent for such purpose, of the foresaid Wilton Drain Outlet and Branch and has also procured Plans, Specifications and Estimate of the said Drainage work to be made by the said H. H. Todgham and an assessment to be made by him of the land and roads affected by such Drainage work and of other lands and roads liable for Contribution thereto, stating as nearly as he can the proportions of Benefit, Outlet Liability or Injuring Liability, which in his opinion will be derived or incurred in Consequence of such Drainage work by each road or lot, or portion of lots, and said assessment so being made the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, hereinafter in that behalf specially set forth and described, and the report of the said H. H. Todgham in respect thereof and of the said Drainage work being as follows:

Chatham, Ontario, October 7, 1955.

To the Reeve and Council of the Village of West Lorne.

GENTLEMEN:

In compliance with your instructions we have made an examination and survey of the Wilton Drain Outlet from the junction of the Wilton and Trigger Drains on Lot 36, Registered Plan No. 199, within your village to a point on the north half of Lot 17, Concession 10, in the Township of Aldborough, and we submit herewith a plan, profile and specification for its repair and improvement. The plan shows the location of the work and lands affected by it; the profile and specification show the dimensions, grades, disposal of material and other particulars of the work.

Excavated material is to be placed on the adjoining farm lands. We determine the amounts to be paid to owners under Section 8 of *The Municipal Drainage Act* for the construction or enlargement of farm bridges to the extent rendered necessary by the work, and for damages to lands and crops (if any) occasioned by disposal of material, as follows:

## VILLAGE OF WEST LORNE

Con.	Lot or Part	Owner	Allowances for	
Reg.			Bridges	Damages
Plan 199	Lot 36.....	.....	\$	6.00

## TOWNSHIP OF ALDBOROUGH

9	Pt. SW $\frac{1}{4}$	18.....	John L. McKillop..	\$ 40.00	25.00
	Pt. SW $\frac{1}{4}$	18.....	Peter Ocolisan.....	20.00	15.00

Con

Con.	Lot or Part	Owner	Allowances for	
			Bridges	Damages
10	N1½	17..... Mike Hay.....	\$ 50.00	\$ 34.00
	N1½	18..... Mike Hay.....	20.00	20.00
			<u>\$ 130.00</u>	<u>\$ 94.00</u>

The following is our estimate of the cost of the work and incidental expenses:—

#### VILLAGE OF WEST LORNE

350 cu. yds. of Excavation & Levelling.....	\$140.00
Outlet Wall.....	140.00
	<hr/>
	\$ 280.00

#### TOWNSHIP OF ALDBOROUGH

3350 cu. yds. Excavation & Levelling.....	\$ 960.00
Allowances under Section 8.....	230.00
Survey, Plans and Report.....	225.00
Assistance and Expenses.....	80.00
Aldbrough Township By-law.....	35.00
Aldbrough Township Clerk's Fees.....	45.00
West Lorne By-law.....	10.00
West Lorne Clerk's Fees.....	45.00
Letting and Superintending.....	90.00
	<u>\$2,000.00</u>

We assess the above estimated cost against lands and roads as shown in the annexed schedule.

After completion that portion of the drain within the limits of the Village is to be maintained by the Village and that portion in the Township of Aldborough is to be maintained by the Township. The cost of maintenance is to be charged to the lands and roads herein assessed and in the same relative proportions, subject to any variations made under *The Municipal Drainage Act*.

We have the honour to be, Gentlemen,  
Your obedient servants,  
BRISCO AND TODGHAM.

#### SCHEDULE OF ASSESSMENT

##### WILTON DRAIN OUTLET

##### VILLAGE OF WEST LORNE AND TOWNSHIP OF ALDBOROUGH

##### VILLAGE OF WEST LORNE

Con.	Lot or Part	Acres Affected	Owner	Benefit	Outlet
	Roads and Streets in the Village of West Lorne. . . . .				\$1,360.00
	Total Assessment—Village of West Lorne. . . . .				\$1,360.00

##### TOWNSHIP OF ALDBOROUGH

8	Pt. S½				
	S. of Ry.	17	5	J. Keil Estate.....	\$ 8.00
	Pt. S½				
	S. of Ry.	17	3	L. Hosey.....	5.00
	Pt. S½				
	S. of Ry.	17	4	R. Dewsnap.....	6.00

TOWNSHIP



TOWNSHIP OF ALDBOROUGH—*Continued*

Con. Lot or Part	Acres Affected		Owner	Benefit	Outlet
8 Pt. S $\frac{1}{2}$					
S. of Ry.	17	4	Evergreen Cemetery.....		\$ 6.00
Pt. Lot	17	6	New York Central Ry....		9.00
Pt. Lot	17	2	Chesapeake & Ohio Ry..		3.00
Pt. S $\frac{1}{2}$					
N. of Ry.	17	43	Wm. Hauser.....		64.00
W. Pt. N $\frac{1}{2}$	17	1	Paul Kovacs.....		2.00
E. Pt. N $\frac{1}{2}$	17	5	Ray Coleman.....		7.00
S $\frac{1}{2}$ N $\frac{1}{2}$	18	35	K. Phoenix.....		52.00
N $\frac{1}{2}$	19	65	Albert & Anna Schmidt..		92.00
Pt. SE $\frac{1}{4}$	19	13	Henry Asher.....		20.00
Pt. SE $\frac{1}{4}$	19	2 $\frac{1}{2}$	Beatrice Vogan.....		4.00
Pt. SE $\frac{1}{4}$	19	1	Lilly Gordon.....		2.00
Pt. SE $\frac{1}{4}$	19	15	Ernest Bainard.....		22.00
9 Pt. NW $\frac{1}{4}$	17	$\frac{1}{2}$	H.E.P. Commission.....		1.00
W $\frac{1}{2}$ NE $\frac{1}{4}$	17	1	William Hauser.....		2.00
Pt. SW $\frac{1}{4}$	18	35	John L. McKillop.....	\$ 25.00	42.00
Pt. SW $\frac{1}{4}$	18	15	Peter Ocalison.....	25.00	15.00
Pt. SW $\frac{1}{4}$	19	15 $\frac{1}{2}$	Vince Ocalison.....		16.00
Pt. SW $\frac{1}{4}$	19	13	West Elgin High School.		13.00
Pt. SE $\frac{1}{4}$	19	20	Vince Ocalison.....		20.00
10 N $\frac{1}{2}$	17	15	Mike Hay.....	100.00	.....
N $\frac{1}{2}$	18	20	Mike Hay.....	50.00	15.00
Total of Lands—Twp. of Aldborough.....				\$200.00	\$ 426.00
Road between Lots 18 and 19 opposite N $\frac{1}{2}$ , Conces- sion 10, County of Elgin.....					\$ 5.00
Road between Concessions 8 and 9, opposite Lot 17, County of Elgin.....					5.00
Road between Concessions 9 and 10, opposite Lot 18, Township of Aldborough.....					4.00
Total on Roads—Twp. of Aldborough.....					\$ 14.00
Total on Lands and Roads—Twp. of Aldborough...				\$200.00	\$ 440.00
TOTAL ASSESSMENT.....				\$200.00	\$1,800.00

Chatham, Ontario, October 7th, 1955.

## BRISCOE AND TODGHAM

AND WHEREAS the Council of the Village of West Lorne are of the opinion that the repair of the Wilton Drain Outlet and Branch as set forth in the report of the said H. H. Todgham is desirable;

THEREFORE the said Municipal Council of the Village of West Lorne pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:

1. That the said report, plans, specification, assessments, and estimates are hereby adopted and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2. The Reeve of the said Village of West Lorne may borrow on the credit of the said Village of West Lorne the sum of Thirteen Hundred and Sixty 00/100 Dollars (\$1360.00) being the said Municipality's proportion of the funds necessary for the work, and may issue Debentures of Corporation to that amount in sums of not less than Fifty Dollars each and payable within Ten Years from the date of said Debenture with interest at the rate of 4 $\frac{1}{2}$  per cent per annum, that is to say, in Ten Equal Annual Instalments. Such Debentures to be payable at the office of the Treasurer of the Village of West Lorne.

3. The Debentures issued under this By-law shall be redeemable in whole or in part at the option of the Municipality at the office of the Treasurer of the Village of West Lorne on any Interest payment date prior to Maturity, at the redemption price of 100 per centum of their face value, together with accrued Interest to the date set for redemption. Where only a portion of the Debentures of this issue is to be redeemed such portion shall comprise only the Debentures that have the latest maturity dates, and no Debenture shall be called for such redemption in priority to any such Debenture that has a later date of Maturity, from and after the Date set for redemption. Interest on the Debenture called as aforesaid for redemption, shall cease to accrue and such Debenture shall become due and payable on such date; provided that if the Municipality defaults in carrying out such redemption, Interest shall accrue and be payable on the principal amount of said Debentures so called for redemption at the rate specified therein, until such Debentures are paid.

READ A THIRD TIME and finally passed the 28th day of October, 1955.

D. E. MCGILL,  
*Reeve.*

(SEAL)

R. E. EVANS,  
*Clerk.*

## BY-LAW No. 623

A By-law to provide for the repair and improvement of the Trigger Drain and Branches in the Village of West Lorne and for the borrowing on the credit of the Municipality of the Village of West Lorne the sum of Nine Thousand, Eight Hundred and Thirty-five dollars for completing the same.

Provisionally adopted June 23rd, 1956.

WHEREAS complaint has been made to the Council of the Village of West Lorne regarding the present condition of that certain ditch or drain in the Village of West Lorne called and known as the Trigger Drain and Branches and the said Council has been requested to take such steps as may be necessary to repair the said ditch or drain; and

WHEREAS, thereupon the said Council has procured an examination to be made by H. H. Todgham, C.E., being a person competent for such purpose, of the said area proposed to be drained, and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under *The Municipal Drainage Act*, and has also procured plans, specifications and estimates of the drainage work to be made by the said H. H. Todgham and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots, hereinafter in that behalf specially set forth and described; and the report of the said H. H. Todgham in respect thereof, and of the said drainage work being as follows:

Chatham, Ontario, May 30th, 1956.

To the Reeve and Council of the Village of West Lorne.

GENTLEMEN:

In compliance with your instructions we have made an examination and survey and we submit herewith plans, profile and specification for the repair and improvement of the Trigger Drain. The plans show the location of the drain and the lands affected by it; the profile and specification show the dimensions, grades and other particulars of the work.

Under this report we propose to repair that portion of the Trigger Drain lying north of the south limit of the Chesapeake & Ohio Railway. That portion of the drain lying south of the Chesapeake & Ohio Railway is to be deepened and improved. The outlet portion of the drain south of Robinson Street is to be improved by removing the existing tile and making the drain an open ditch. Approximately 175 feet of the lower end of this open ditch will have a new course slightly to the south-west of the present course to provide a better alignment. From the south limit of Robinson Street to the catch basin on the south side of Main Street, the improved drain is to be of 27-inch diameter pipe. From the catch basin on the south side of Main Street to a new catch basin to be constructed just north of the south limit of the Chesapeake & Ohio Railway the improved drain is to be of 18-inch diameter pipe. The present open ditch over the 18-inch and 27-inch pipe is to be backfilled with material taken from the excavation of the open ditch portion of the drain. A slight depression is to be left to provide surface drainage to the catch basins.

From the north side of the New York Central Railway to the head of the Trigger Drain at the line between Lots 17 and 18 the existing tile is to be cleaned and replaced.

Where the Trigger Drain crosses the lands of the Chesapeake & Ohio Railway and the New York Central Railway there is presently a 10-inch diameter tile drain with an overflow ditch above it, which are to be repaired. It is our opinion that, considering the present use of the lands

within

within that part of the drainage area lying north of the railways, the capacity provided by cleaning and repairing the existing tile and open drains on the railway lands will be sufficient at this time. However, should residential developments take place in the lands north of the railways it will be necessary to provide additional outlet through the railways at a greater depth than the bottom of the open ditch and it will then be necessary to install a larger tile drain beneath the railway lands. Capacity for this future development is provided by the covered portion of the proposed drain south of Main Street. Depending on the type and location of this development it may be necessary to construct an additional drain near Kinney and Morden Streets which can be connected to the Trigger Drain at Main and Wellington. The 18-inch diameter pipe which is proposed under this report is probably not adequate to serve a complete development north of the railways and it will be necessary to provide additional capacity between the railways and the catch basin at Main and Wellington should complete development north of the railways take place. The 27-inch pipe south of Main Street will be large enough to take as much storm water as is ever likely to be brought to it.

It is proposed that the enclosed portion of the drain south of the railways will be approximately 18 inches below the present tile drain at the railway and approximately 2 feet below the present tile drain at Robinson Street. This increased depth will provide a much-improved outlet for any drains which are brought to the Trigger Drain. It is intended that at the proposed depth it will be possible to provide reasonably deep drainage throughout the greater part of the Trigger Drain watershed.

The filling in of the present open portion of the Trigger Drain from the railways to Robinson Street will be of great benefit to the adjoining residential properties in that the removal of the present unsightly ditch will not only make the area a more pleasant one in which to live but will also considerably increase the value of the adjoining properties from a sale point of view. The streets on which the covered portion is to be constructed will also benefit in that maintenance of the road grade will be easier and less expensive and a rather serious hazard to automobile and pedestrian traffic will be removed. The open outlet portion of the drain will be through what is now farm lands. Should this land develop into a residential area the open ditch can quite easily be converted to a covered drain for any portion of its length.

A sufficient amount of the material excavated from the open portion of the drain is to be used to backfill the existing open ditch from the south limit of Robinson Street to the catch basin on the south side of the Chesapeake & Ohio Railways lands. Material taken from the new course of the open ditch at its outlet is to be used to fill the portion of the existing open ditch which is being replaced. Excess material not required for either of the preceding purposes is to be deposited on the adjoining land. We determine the amounts to be paid to the owner under Section 8 of *The Municipal Drainage Act* for the enlargement of farm bridges to the extent rendered necessary by the work, or for severance in lieu thereof, and for damages to lands and crops (if any) occasioned by the disposal of material and the excavation thereof, to be as follows:

Lot or Part	Allowances for	
	Bridges	Damages
Lot 36, Registered Plan 199. ....	\$125.00	\$75.00

The following is our estimate of the cost of the work and incidental expenses:

700 cu. yds. Excavation, Hauling and Backfilling. ....	\$ 600.00
5,000 cu. yds. Excavation and Levelling. ....	1,100.00
Stake 15-00 to Stake 18-05—305 ft. of 27-inch drain. ....	2,800.00
Stake 25-32 to Stake 29-47—415 ft. of cleaning 10-inch drain and repairing. ....	125.00
Stake 18-05 to Stake 25-32—727 ft. of 18-inch drain. ....	3,800.00
Stake 29-47 to Stake 36-54—707 ft. of cleaning 8-inch drain. .	200.00
Construction of 3 new catch basins. ....	300.00
Outlet Wall. ....	200.00

Allowances



Allowances under Section 8.....	\$ 200.00
Survey, Plans and Reports.....	700.00
Assistance and Expenses.....	100.00
West Lorne—Clerk's Fees.....	150.00
West Lorne—By-law.....	50.00
Aldborough Township—Clerk's Fees.....	40.00
Aldborough Township—By-law.....	35.00
Restaking.....	75.00
Letting and Superintending.....	125.00
	<hr/>
	\$10,600.00

We estimate the cost of cleaning the existing tile and open drains on the lands of the Chesapeake & Ohio Railway to be \$25.00. Should the Chesapeake & Ohio Railway exercise its option of performing the work on its own lands, it shall be paid the sum of \$25.00 for this work.

We estimate the cost of cleaning the existing tile and open drains on the lands of the New York Central Railway to be \$100.00. Should the New York Central Railway exercise its option of performing the work on its own lands, it shall be paid the sum of \$100.00 for this work.

The railways must decide whether or not they wish to exercise their option of performing the work on their own lands, before tenders are called for the work on the balance of the drain so that the work on the railway lands may be either included in or excluded from any dealings between the Village of West Lorne and interested contractors.

We assess the above estimated cost against lands and roads as shown in the annexed schedule.

In addition to the work provided for in the above estimate and schedule of assessment it will be necessary to make provision for carrying the surface water from the north side to the south side of the pavement on Main Street and we assess the cost of this against the County of Elgin as the authority having jurisdiction over the maintenance of this street. The County will have the option of providing, for installation by the contractor, a 10-inch diameter metal pipe culvert under the pavement or in the alternative, of constructing a catch basin on the north side of the pavement. It will also be necessary to replace the pavement where it is removed for the purpose of constructing the drain. This replacement is to be carried out by the County.

After completion the drain is to be maintained by the Village of West Lorne at the expense of the lands and roads herein assessed and in the same relative proportions, subject to any variations, made under *The Municipal Drainage Act*.

We have the honour to be, Gentlemen,  
Your obedient servants,  
TODGHAM AND CASE.

(Seal)

Per: (Sgd.) H. H. TODGHAM, B.A.Sc.,  
O.L.S., M.E.I.C.



SCHEDULE OF ASSESSMENT

TRIGGER DRAIN

VILLAGE OF WEST LORNE

Registered Plan	Village Lot or Part	Benefit	Outlet
75	1—Block A.....		\$ 40.00
	2 ".....		40.00
	3 ".....		40.00
	4 ".....		40.00
	5 ".....		40.00
	6 ".....		40.00
	7 ".....		40.00
	8 ".....		40.00
	9 ".....		40.00
	10 ".....		40.00
	11 ".....		40.00
	12 ".....		40.00
	100.....		40.00
	101.....		40.00
	102.....		40.00
	103.....		40.00
	104.....		40.00
	105.....	\$ 125.00	40.00
	106.....	25.00	40.00
	107.....		40.00
	108.....		40.00
	109.....		40.00
	110.....		40.00
	111.....		40.00
	112.....		40.00
	113.....		40.00
	114.....		40.00
	115.....		40.00
	116.....		40.00
	117.....		40.00
	118.....		40.00
	119.....		40.00
	120.....		10.00
	121.....	25.00	10.00
	122.....	125.00	10.00
	123.....		10.00
	124.....		10.00
	125.....		10.00
	126.....		10.00
	127.....		10.00
	128.....		10.00
	129.....		10.00
	130.....		10.00
	131.....		10.00
	132.....		10.00
	133.....		10.00
	134.....		10.00
	135.....		19.00
	136.....		10.00
	137.....		10.00
	138.....		10.00
	139.....		10.00
	140.....		10.00
	141.....		10.00
	143.....		10.00
	144.....		10.00
	145.....		10.00
	146.....		10.00
	147.....		10.00
	148.....		10.00

Registered Plan	Village Lot or Part	Benefit	Outlet
75	149.....	.....	\$ 10.00
	150.....	.....	10.00
	151.....	.....	10.00
	152.....	.....	10.00
	153.....	.....	10.00
	154.....	.....	10.00
	155.....	.....	10.00
	156.....	\$ 25.00	40.00
	157.....	.....	40.00
	158.....	.....	40.00
	159.....	.....	40.00
	160.....	.....	40.00
	161.....	.....	40.00
	162.....	.....	40.00
	163.....	.....	40.00
	164.....	.....	40.00
	165.....	.....	50.00
	166.....	.....	50.00
	167.....	.....	50.00
	168.....	.....	50.00
	169.....	25.00	50.00
	170 Pt. S. Rlwy.....	.....	50.00
	171 " " ".....	.....	50.00
	172 " " ".....	25.00	50.00
	173 " " ".....	100.00	50.00
	174 " " ".....	15.00	45.00
	175 " " ".....	15.00	40.00
	176 " " ".....	15.00	40.00
	181.....	.....	5.00
	182.....	.....	5.00
	183.....	10.00	5.00
	184.....	10.00	6.00
	185.....	.....	6.00
	186.....	.....	6.00
	187.....	.....	7.00
	188.....	.....	7.00
	189.....	.....	8.00
	190.....	.....	8.00
	191.....	.....	8.00
	192.....	.....	8.00
	193.....	.....	6.00
	194.....	.....	6.00
	195.....	.....	6.00
	196.....	.....	6.00
	197.....	.....	6.00
	198.....	.....	6.00
	199.....	.....	6.00
	200.....	.....	6.00
	201.....	.....	6.00
	202.....	.....	8.00
	203.....	.....	7.00
	204.....	.....	5.00
	226.....	.....	6.00
	227.....	.....	6.00
	228.....	.....	6.00
	229.....	.....	6.00
	230.....	.....	6.00
	231.....	.....	6.00
	232.....	.....	6.00
	233.....	.....	6.00
	234.....	.....	6.00
	235.....	.....	6.00
	236.....	.....	6.00
	237.....	.....	6.00
	238.....	.....	6.00
	239.....	.....	6.00

Registered Plan	Village Lot or Part	Benefit	Outlet
75	240.....	.....	\$ 6.00
	241.....	.....	6.00
	242.....	\$ 10.00	6.00
	243.....	10.00	6.00
	244.....	.....	6.00
	245.....	.....	6.00
	246.....	5.00	6.00
	247.....	5.00	6.00
	248.....	10.00	6.00
	249.....	10.00	6.00
	250.....	.....	6.00
	251.....	.....	6.00
	252.....	.....	6.00
	253.....	.....	6.00
	254.....	.....	6.00
	255.....	.....	6.00
	256.....	.....	6.00
	257.....	.....	6.00
	258.....	.....	6.00
	259.....	.....	6.00
	260.....	.....	6.00
	261.....	.....	6.00
	262.....	.....	6.00
	263.....	.....	6.00
	264.....	.....	6.00
	265.....	.....	6.00
	280.....	.....	6.00
	281.....	.....	6.00
	282.....	.....	6.00
	283.....	.....	6.00
	284.....	.....	6.00
	285.....	.....	6.00
	286.....	.....	6.00
	287.....	.....	6.00
	288.....	.....	6.00
	289.....	.....	6.00
	290.....	.....	6.00
	291.....	.....	6.00
	292.....	.....	6.00
	293.....	.....	6.00
	294.....	.....	6.00
	295.....	.....	6.00
	296.....	5.00	6.00
	297.....	5.00	6.00
	298.....	5.00	6.00
	299.....	5.00	6.00
	300.....	.....	6.00
	301.....	.....	6.00
	302.....	.....	6.00
	303.....	.....	6.00
	304.....	.....	6.00
	305.....	.....	6.00
	306.....	.....	6.00
	307.....	.....	6.00
	308.....	.....	6.00
	309.....	.....	6.00
	310.....	.....	6.00
	311.....	.....	6.00
	312.....	.....	6.00
	313.....	.....	6.00
	314.....	.....	6.00
	315.....	.....	6.00
	316.....	.....	6.00
	317.....	.....	6.00
	318.....	.....	6.00
	319.....	.....	6.00
167	1 Block 1.....	.....	40.00

Registered Plan	Village Lot or Part	Benefit	Outlet
167	2 Block 1.....	.....	\$ 40.00
	3 ".....	.....	40.00
	4 ".....	.....	40.00
	5 ".....	.....	40.00
	6 ".....	.....	40.00
	7 ".....	.....	40.00
	8 ".....	.....	40.00
199	1.....	.....	2.00
	2.....	.....	60.00
	3.....	.....	60.00
	4.....	.....	60.00
	5.....	.....	100.0
	8.....	.....	50.00
	9.....	.....	50.00
	10.....	\$ 60.00	50.00
	11.....	60.00	50.00
	12.....	150.00	45.00
	13.....	75.00	45.00
	14.....	125.00	40.00
	15.....	.....	40.00
	16.....	.....	40.00
	17.....	.....	40.00
	18.....	.....	40.00
	35.....	.....	85.00
	36.....	30.00	.....
	37.....	.....	40.00
	38.....	.....	40.00
	39.....	.....	40.00
	40.....	.....	40.00
	111.....	.....	5.00

*C & O Railway Lands*

Rt. of Way, Pt. 170, Plan 75.....	.....	5.00
" " " " 171 ".....	.....	5.00
" " " " 172 ".....	.....	5.00
" " " " 173 ".....	.....	5.00
" " " " 174 ".....	.....	5.00
" " " " 175 ".....	.....	5.00
" " " " 176 ".....	.....	5.00
" " " All 177 ".....	10.00	25.00
" " " " 178 ".....	.....	25.00
" " " " 179 ".....	.....	25.00
" " " " 180 ".....	.....	25.00
" " " Pt. Twp. Lot 17, Con. 8, ½ acre.....	.....	5.00

*N.Y.C. Railway Lands*

Rt. of Way, Pt. Twp. Lot 17, Con. 8, 3 acres..	.....	20.00
" " " " 18, Con. 8, 12 acres.....	.....	80.00
Total of Lands—Village of West Lorne.....	\$1,120.00	\$4,780.00

*Roads of West Lorne*

Gilbert Street.....	\$ 70.00
Anne Street.....	70.00
Hughes Street.....	70.00
Victoria Street.....	15.00
Finney Street.....	50.00
Kinney Street.....	30.00
Schleihauß Street.....	30.00
Munro Street.....	\$ 400.00
Main Street.....	500.00
Robinson Street.....	100.00
Becher Street.....	25.00
Morden Street.....	25.00

*Roads of West Lorne—Continued*

James Street.....	\$1,000.00	\$ 75.00
Wellington Street.....	1,000.00	100.00
<hr/>		
Total on Roads—Village of West Lorne.....	\$3,000.00	\$ 935.00
<hr/>		
TOTAL ASSESSMENT—Village of West Lorne...	\$4,120.00	\$5,715.00
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TOWNSHIP OF ALDBOROUGH

		Acres		Owner	Benefit	Outlet
Con.	Lot or Part	Affected				
8	Pt. S½	17	43	William Hauser.....	\$ 25.00	\$ 200.00
	Pt. N½	17	1	Paul Kovacs.....		5.00
	Pt. N½	17	5	Ray Coleman.....		25.00
	Pt. of Pt. S Ry					
		17	5	J. Heil Est.....		60.00
	"	17	5	L. Hosey.....		60.00
	"	17	4	R. Dewsnap.....		60.00
	"	17	4	Evergreen Cemetery...		60.00
	Pt. Lot	17	2	C. & O. Railway.....		10.00
	" "	17	3	N.Y.C. Railway.....		15.00
9	S½ N½	18	15	K. Phoenix.....		75.00
	Pt. NW¼	17	½	H.E.P.C.....		10.00
	W½ NE¼	17	2	William Hauser.....		60.00
<hr/>						
Total on Lands—Twp. of Aldborough.....					\$ 25.00	\$ 640.00
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Road between Cons. 8 and 9—County of Elgin.....						\$ 100.00
<hr/>						
Total Assessment—Twp. of Aldborough.....					\$ 25.00	\$ 740.00
<hr/>						
TOTAL ASSESSMENT—West Lorne and Aldborough.					\$4,145.00	\$6,455.00
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AND WHEREAS the said Council are of opinion that the drainage of the area described is desirable;

THEREFORE the said Municipal Council of the said Village of West Lorne, pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.
2. The Reeve of the said Village of West Lorne may borrow on the credit of the said Village of West Lorne the sum of ninety-eight hundred and thirty-five dollars being said municipality's proportion of the funds necessary for the work and may issue debentures of the Corporation to that amount in sums of not less than Fifty Dollars each, and payable within ten years from the date of the said debentures with interest at the rate of 4½ per centum per annum, that is to say, in ten equal annual instalments, such debentures to be payable at the office of the Treasurer of the Village of West Lorne.
3. For paying the sum of \$1,120.00 the amount charged against the said lands and roads for benefit, and the sum of \$4,780.00 the amount charged against said lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the Municipality, and for covering interest thereon for 10 years at the rate of 4½ per centum per annum, the following total special rates, over and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for ten years after the final passing of this by-law, during which the said debentures have to run.



Name	Plan	Block	Lot	No. of Lots	Total Assessment	To cover Interest for 10 years at 4½%	Total Special Rate	Annual Assess- ment
Schleithauf, Otto.....	75	181-182.....		2 x \$5.00	\$ 10.00			
	75	183.....		1	15.00			
	75	184.....		1	16.00			
	75	185-186.....		2 x \$6.00	12.00			
	75	187.....		1	7.00			
				7	60.00			
	75	239-241.....		3 x \$6.00	18.00			
	75	242-243.....		2 x \$16.00	32.00			
	75	244-245.....		2 x \$6.00	12.00			
	75	246.....		1	11.00			
				15	133.00			
	75	247.....		1	11.00			
	75	248-249.....		2 x \$16.00	32.00			
	75	250-252.....		3 x \$6.00	18.00			
				21	194.00			
	75	264-295.....		18 x \$6.00	108.00			
	75	296-299.....		4 x \$11.00	44.00			
	75	300-319.....		20 x \$6.00	120.00			
				63	466.00			
	199	5.....		1	100.00			
					<hr/>			
					\$ 566.00	\$ 147.20	\$ 713.20	\$ 71.32
	75	188.....		1	7.00			
	75	189-192.....		4 x \$8.00	32.00			
	75	193-199.....		7 x \$6.00	42.00			
Erie Flooring Co.....	75	202.....		1 x \$8.00	8.00			
	75	Pt. 203.....		1½ x \$3.50	3.50			
	75	228-238.....		11 x \$6.00	66.00			
	75	253-263.....		11 x \$6.00	66.00			
					<hr/>			
					\$ 224.50	58.30	282.80	28.28

Prevett, R. and E.....	75	111-116.....	6 x \$40.00	240.00	62.40	302.40	30.24
McGill, G. and M.....	75	100.....	1	40.00			
	75	127-133.....	7 x \$10.00	70.00			
	75	150-155.....	6 x \$10.00	60.00	44.20	214.20	21.42
Fisher, J. and M.....	75	134-135.....	2 x \$10.00	20.00			
	199	36.....	1	30.00			
A. & B. McKillop.....	75	148-149.....	2 x \$10.00	20.00	18.20	88.20	8.82
Walker, N. and F.....	75	143-147.....	5 x \$10.00	50.00	13.00	63.00	6.30
Abdey, F. and W.....	75	158-159.....	2 x \$40.00	80.00	20.80	100.80	10.08
	75	166-167.....	2 x \$25.00	50.00	13.00	63.00	6.30
	75	160.....	1	40.00	10.40	50.40	5.04
Pituk, J. and A.....	75	161.....	1 1/2	20.00	5.20	25.20	2.52
	75	161 pt.....	1 1/2	20.00	5.20	25.20	2.52
McKillop, Jas. A.....	75	162-163.....	2 x \$40.00	80.00	20.80	100.80	10.08
Anglican Church.....	75	164.....	1	40.00	10.40	50.40	5.04
Harvey, Hazel.....	75	165.....	1 1/2	25.00	6.50	31.50	3.15
	75	165 pt.....	1 1/2	25.00	6.50	31.50	3.15
Brown, L. A.....	75	166 pt.....	1 1/2	25.00	6.50	31.50	3.15
Gray, Jas.....	75	167 pt.....	1 1/2	25.00	6.50	31.50	3.15
	75	168.....	1	50.00	13.00	63.00	6.30
	75	169.....	1	75.00	19.50	94.50	9.45
Hardaker, Tena.....	75	200-201.....	2 x \$6.00	12.00	3.20	15.20	1.52
Brown, R. and B.....	75	203 pt.....	1 1/2	3.50	.90	4.40	.44
	75	204.....	1	5.00	1.30	6.30	.63
Lowes, C. and G.....	75	226.....	1	6.00	1.60	7.60	.76
Gordon, J. and M.....	75	227.....	1	6.00	1.60	7.60	.76
Elliott, L. and H.....	75	1 pt.....	1 1/2	20.00			
	1	2 pt.....	1 1/2	20.00			
	1	3 pt.....	1 1/2	10.00			
	75	1 pt.....	1 1/2	20.00			
Hosey, Larry.....	75	3 pt.....	1 1/2	10.00	13.00	63.00	6.30
	75	1 pt.....	1 1/2	20.00			
Schleithauf, Don.....	75	2 pt.....	1 1/2	10.00	7.80	37.80	3.78
	75	3 pt.....	1 1/2	20.00	5.20	25.20	2.52
Heil, Alice.....	75	1 pt.....	1 1/2	10.00	2.60	12.60	1.26
	75	3 pt.....	1 1/2	10.00			

Name

Name	Plan	Block	Lot	No. of Lots	Total Assessment	To cover Interest for 10 years at 4½%	Total Special Rate	Annual Assess- ment
Buttinger, J. and J.....	75	1	3 pt.....	¼	\$ 10.00			
Liddel, St. Clair.....	75	1	4.....	1	40.00	\$13.00	\$ 63.00	\$ 6.30
Weiss, J. and F.....	75	1	5.....	1	40.00	10.40	50.40	5.04
	75	1	6.....	1	40.00			
	199	1	40.....	1	40.00			
Lyons, S. and M.....	75	1	7-8.....	2 x \$40.00	80.00	20.80	100.80	10.08
Evergreen Cemetery.....	199		1 pt.....	¼	2.00	.50	100.80	10.08
Hauser, R. and B.....	199		2-3.....	2 x \$60.00	120.00	30.20	151.20	15.12
Button, Louisa.....	75	A	1.....	1	40.00	10.40	50.40	5.04
Ripley, T. and V.....	75	A	2.....	1	40.00	10.40	50.40	5.04
Cullen, Fred.....	75	A	3.....	1	40.00	10.40	50.40	5.04
Edward, Fred.....	75	A	4.....	1	40.00	10.40	50.40	5.04
Marks, J. and V.....	75	A	5.....	1	40.00	10.40	50.40	5.04
Murray, N. and O.....	75	A	6.....	1	40.00	10.40	50.40	5.04
Schlehauf, P. and J.....	75	A	7.....	1	40.00	10.40	50.40	5.04
Munn, B. and G.....	75	A	8.....	1	40.00	10.40	50.40	5.04
Graham, R. S.....	75	A	9.....	1	40.00	10.40	50.40	5.04
Ross, G. and M.....	75	A	10.....	1	40.00	10.40	50.40	5.04
Schlehauf, R. and D.....	75	A	11-12.....	2 x \$40.00	80.00	20.80	100.80	10.08
Cummings, P.....	75		101.....	1	50.00	13.00	63.00	6.30
Branchflower, D. and E.....	75		102.....	1	40.00	10.40	50.40	5.04
McCallum, E. and A.....	75		103.....	1	40.00	10.40	50.40	5.04
Hopper, M. & H.....	75		104-105.....	2	205.00			
	75		122-123.....	2	145.00	91.00	441.00	44.10
Lippon, C. and M.....	75		106.....	1	65.00			
	75		120-121.....	2	45.00	29.00	139.00	13.90
Page, Geo.....	75		107.....	1	40.00	10.40	50.40	5.04
Gardiner, E. and E.....	75		108.....	1	40.00	10.40	50.40	5.04
Tansley, R. and A.....	75		109.....	1	40.00	10.40	50.40	5.04
Robinson, R. and A.....	75		110.....	1	40.00	10.40	50.40	5.04

Lippold, G. and S.	75	117	1	40.00	10.40	50.40	5.04
Brown, A. and V.	75	118	1	40.00	10.40	50.40	5.04
Bragg, R. and L.	75	119	1	40.00	10.40	50.40	5.04
Canadian Legion	75	124	1	10.00	2.60	12.60	1.26
McGill, W. and J.	75	125	1	10.00	2.60	12.60	1.26
McCallum, J. A.	75	136	1	10.00	2.60	12.60	1.26
Willetts, P. and V.	75	137	1	10.00	2.60	12.60	1.26
Bird, Mrs. E.	75	138	1	10.00	2.60	12.60	1.26
Turner, Mildred	75	139	1	10.00	2.60	12.60	1.26
Dewsi, A. and L.	75	140	1	10.00	2.60	12.60	1.26
Miller Lumber Co.	75	141	1	10.00	2.60	12.60	1.26
Henderson, N.	75	156	1	65.00	16.90	81.90	8.19
Vanseeder, Alfred	75	157	1	40.00	10.40	50.40	5.04
Uzas, Mary	199	4	1	60.00	15.60	75.60	7.56
Hayes, M.	199	8	1	50.00	39.00	189.00	18.90
	75	170-171	2 pt.	100.00	23.40	113.40	11.34
Kovacs, D. and J.	199	9	1	50.00			
Weiss, Barbara	199	18	1	40.00			
	199	10	1	110.00			
Bell, P. and G.	199	17	1	40.00	39.00	189.00	18.90
	199	12	1	120.00			
Bury, Ernest	199	11 pt.	1/2	55.00	45.50	220.50	22.05
	199	11 pt.	1/2	55.00			
Skinner, R. B. and J.	199	12	1	195.00	65.00	315.00	31.50
	199	14	1	165.00			
Dawdy, Claude	199	15	1	40.00	53.30	258.30	25.83
Okolsan, V. and M.	199	16	1	40.00	10.40	50.40	5.04
Murray, M.	199	35	1	85.00	22.10	107.10	10.71
West Lorne Lumber Co.	199	37	1	40.00	10.40	50.40	5.04
Reid, C. and V.	199	38-39	2 x \$40.00	80.00	20.80	100.80	10.08
Springs, J. and B.	75	111	1	5.00	1.30	6.30	.63
	75	172 pt.	1/2	75.00			
	75	173 pt.	1/2	150.00			
	75	174 pt.	1/2	60.00			

Name

Name	Plan	Block	Lot	No. of Lots	Total Assessment \$	To cover Interest for 10 years at 4½%	Total Special Rate	Annual Assess- ment
Springs, J. and B.....	75		175 pt.....	½	55.00	\$ 102.70	\$ 497.70	\$ 40.77
	75		176 pt.....	½	55.00			
C. and O. Railway.....	75		170 pt. to 176.....	7½	35.00			
	75		177 pt.....	½	35.00			
	75		178 pt.....	3 ½ lots	75.00			
			17 pt.....	..	5.00	39.00	189.00	18.90
N.Y.C. Railway.....			17 pt.....	3 acres	20.00			
			18 pt.....	12 acres	80.00	26.00	126.00	12.60
TOTAL.....					\$5,900.00	\$1,534.50	\$ 7,434.50	\$ 743.45
ROADS.....					3,935.00	1,023.10	4,958.10	495.81
TOTAL IN WEST LORNE.....					\$9,835.00	\$2,557.60	\$12,392.60	\$1,239.26



4. For paying the sum of \$9,835.00 the amount assessed against the said roads and lands of the Municipality, and for covering interest thereon for 10 years at the rate of  $4\frac{1}{2}$  per centum per annum, a special rate in the dollar, sufficient to produce the required yearly amount therefor shall, over and above all other rates, be levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the whole rateable property in the said Village of West Lorne in each year for 10 years, after the final passing of this by-law, during which the said debentures have to run.

5. This by-law shall be printed and served together with the notice of the sitting of the Court of Revision to be held thereon and of proceedings to quash this said by-law, upon each of the assessed owners or their lessees or the occupants of their lands, or the agents of such owners, by leaving a copy thereof on the lands if occupied by some grown-up person, and if unoccupied and the owner or his agent does not reside in the Municipality, to be sent by registered letter to the last known address of such owner and shall come into force after the final passing thereof, and may be cited as the "Trigger Drain By-law".

6. The Corporation shall have the right, at its option, to redeem the said debentures in this issue either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity date and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

READ A THIRD TIME AND FINALLY PASSED this 20th day of July, 1956.

D. E. MCGILL,

*Reeve.*

(Seal)

R. E. EVANS,

*Clerk.*



## CHAPTER 166

## An Act respecting the City of Windsor

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS The Corporation of the City of Windsor, Preamble  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Subsection 3 of section 12 of *The City of Windsor Act*, 1946, c. 145,  
s. 12, subs. 3  
1946, as re-enacted by section 2 of *The City of Windsor Act*, (1955, c. 119,  
s. 2),  
1955, is amended by striking out "\$200,000" in the fifth line amended  
and inserting in lieu thereof "\$300,000", so that the sub-  
section shall read as follows:

(3) The Board of Governors may borrow from time to Borrowing  
powers, and  
temporary  
advances  
time, subject to the approval of the Council, such  
sums as may be required for the current operating  
purposes of the Hospital; provided that the amount  
of such borrowings shall not exceed \$300,000 at any  
one time, and the Council shall be empowered to  
make temporary advances to the Board from time  
to time for such purposes.

**2.** The Corporation is authorized to refund to the C. H. Refund to  
C. H.  
Gauthier  
Estate,  
authorized  
Gauthier Estate, through its agent The Canada Trust Com-  
pany, the sum of \$1,932.48, being the amount of taxes paid  
in error to the Corporation by the Estate in the years 1954  
and 1955 in respect of a building formerly located on Lot  
No. Five (5), Registered Plan 256, which building was  
demolished in June, 1954.

**3.—(1)** The council of the Corporation may pass by-laws, Swimming  
pools on  
school  
property

(a) for granting aid to The Board of Education for the  
City of Windsor to pay in whole or in part for the  
construction by the Board of indoor or outdoor

swimming

swimming pools on the property of the Board, and the granting of such aid shall be deemed to be a purpose of the Corporation;

- (b) for entering into agreements with the Board respecting the construction, control, operation, maintenance and repair of such pools, and in particular respecting the operation and use of such pools by the Corporation at other than school hours.

Fees

(2) The council of the Corporation may charge fees for the use of or admission to such swimming pools while the operation and use of the pools is under the control of the Corporation.

Debentures

(3) The Corporation may issue debentures for the purposes of any undertaking under this section.

Agreements

(4) The Board of Education for the City of Windsor may enter into and carry out any agreement made with the Corporation pursuant to subsection 1.

Interpre-  
tation

4.—(1) In this section,

- (a) “dwelling” means and includes any building, tent, trailer or other covering or structure, the whole or any portion of which is used or intended for use for the purpose of human habitation, with the land and premises appurtenant thereto, and all out-buildings, fences or erections thereon or therein whether heretofore or hereafter erected;
- (b) “inspector” means the Building Commissioner, the Fire Chief or the Medical Officer of Health of the Corporation, or any of their authorized representatives;
- (c) “owner” includes the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such land or premises were let.

Standard  
of fitness of  
dwelling

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard or to demolish buildings, structures or erections forming part of dwellings which do not conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for authorizing

the placarding in such manner as the by-law may specify of dwellings which do not conform to the standard, and prohibiting the pulling down or defacing of any such placard, for governing and regulating persons in the use and occupancy of dwellings and for appointing a tribunal or inspectors, or both a tribunal and inspectors, for the administration and enforcement of the by-laws.

(3) Where the owner of any dwelling is unable to pay the <sup>Advances</sup> expense of making it conform to the standard required by the by-law, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense, and the council of the Corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

(4) When the Corporation has advanced money as provided <sup>Lien for advances and repayment</sup> in subsection 3, it shall have a lien upon the dwelling in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 6 per cent per annum, and the amount of the advance with the interest thereon shall be repayable to the Corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the council, which period shall not exceed ten years, but need not be the same in the case of each advance, in the same manner and at the same time as the municipal taxes on the dwelling.

(5) A certificate of the clerk of the Corporation setting <sup>Certificate of lien for registration</sup> out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3, or setting out the amount expended or to be expended by or on behalf of the Corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficiently to identify the dwelling, shall be registered in the proper registry office or land titles office against the dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the Corporation of any such amount advanced or expended and the interest thereon, a certificate of the clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon, and from the lien arising therefrom.

(6) If any owner of a dwelling is unwilling to make the <sup>Rights to enforce conformity</sup> dwelling conform to the standard required by a by-law passed under the authority of this section, the Corporation in addition



to all other remedies shall have the right to make the dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling, and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the owner, and the Corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the Corporation under the provisions of this subsection, and for any amount expended by or on behalf of the Corporation under the authority of this subsection, the Corporation shall have a lien for the amount expended, together with interest thereon, at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended, and the certificate of the inspector as to such amount shall be final, and such amount shall be added to the collector's roll of taxes and shall be collected in the same manner as municipal taxes.

Enforcement

(7) Notwithstanding any other Act, a by-law passed under the authority of this section, or any by-law to provide for the safety of buildings, shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.

R.S.O. 1950,  
c. 243

Notice to  
mortgagees  
and others

(8) Before proceeding under subsection 3 or 6, the Corporation shall notify any mortgagees or other encumbrancers appearing on the registered title and execution creditors, by registered letter, specifying wherein the dwelling is defective, and if all defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 hereof shall apply.

Powers of  
inspector  
to enter  
dwellings

(9) For the enforcement of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act*, and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125 and section 126 of that Act shall *mutatis mutandis* apply.

R.S.O. 1950,  
c. 306

By-law  
No. 1718  
confirmed

(10) By-law No. 1718, passed by the council of the Corporation, set forth as Schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding,

and

and shall be deemed to have been passed under the authority of this section.

**5.** The lands described in Schedule B hereto are hereby vested in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation. <sup>Lands vested in Corporation</sup>

**6.** The council of the Corporation may, out of current revenues of the Corporation, in any year grant such sum or sums of money, not exceeding in the aggregate \$15,000 in any one year, in aid of institutions, associations or persons, for the carrying on of activities which in the opinion of the council are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act. <sup>Grants authorized</sup>

**7.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**8.** This Act may be cited as *The City of Windsor Act, 1958*. <sup>Short title</sup>

## SCHEDULE A

## BY-LAW NUMBER 1718

A BY-LAW TO ESTABLISH A MINIMUM  
STANDARD OF HOUSING IN THE  
CITY OF WINDSOR

PASSED the 23rd day of September, 1957.

WHEREAS it is deemed necessary and expedient to establish a minimum standard of housing in the City of Windsor;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

## SECTION 1. 1. TITLE

This by-law may be cited as the Minimum Standard Housing By-law.

## SECTION 1. 2. SCOPE

This by-law as hereinafter set forth shall establish minimum standards for all housing or dwelling units and all premises related thereto within the limits of The Corporation of the City of Windsor.

## SECTION 2. 1. DEFINITIONS

In this by-law, unless otherwise stated—

“Basement” shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade as approved by the Building Commissioner;

“Building” shall mean any structure used or intended for supporting or sheltering any use or occupancy set forth in this by-law whether heretofore or hereafter erected;

“Building Commissioner” shall mean the Building Commissioner of the Corporation;

“Cellar” shall mean the portion of a building between two floor levels which is partly or wholly underground, and which has more than one-half of its height from finished floor to finished ceiling below adjacent finished grade as approved by the Building Commissioner;

“Corporation” shall mean The Corporation of the City of Windsor;

“Dwelling” shall mean and include any building, tent, trailer or other covering or structure the whole or any portion of which is used or intended for use for the purpose of human habitation with the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein whether heretofore or hereafter erected;

“Dwelling unit” shall mean any room or set of rooms used or intended for use for human habitation;

“Fire Chief” shall mean the Chief of the Fire Department of the Corporation;

“Inner Court” shall mean an open space, unoccupied from the ground to the sky, or from an intermediate floor to the sky except for any structure specifically authorized by this by-law, located

on the same lot as the building it serves, and enclosed on all sides by walls or by walls and the line or lines of an adjoining lot or lots;

"Inspector" shall mean the Building Commissioner, the Fire Chief, or the Medical Officer of Health or any of their authorized representatives;

"Lot" shall mean a parcel of land occupied or to be occupied by one main building, structure or use, with any accessory building or use, and including all yards and open spaces required by By-law Number 728 of the Corporation cited as the "Zoning By-law". A lot may or may not be the land shown as a lot on a duly registered plan of subdivision;

"Medical Officer of Health" shall mean the Medical Officer of Health of the Corporation;

"Outer Court" shall mean an open space unoccupied from the ground to the sky or from an intermediate floor to the sky except for any structure specifically authorized by this by-law, located on the same lot as the building which it serves, enclosed on three sides by walls or by walls and the line of an adjoining lot or lots and extending to or opening upon a street or yard;

"Owner" shall include the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land or premises were let;

"Premises" shall include a building as defined herein and any lands, fences, sheds, outhouses and garages appurtenant thereto;

"Recreation Room" shall mean a room located in a cellar of a dwelling, used for recreational purposes only;

"Room, habitable" shall mean any room in a dwelling unit commonly used or intended for use for living purposes including a bedroom, living room, dining room and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom or recreation room.

## SECTION 2. 2. ADMINISTRATION

This by-law shall be administered and enforced by the Building Commissioner, the Fire Chief and the Medical Officer of Health.

## SECTION 2. 3. DUTIES

The Inspector shall—

- (1) Enforce the provisions of this by-law.
- (2) Carry out all necessary inspections of buildings and premises which he has reason to believe do not comply with this by-law.
- (3) Keep complete records of all inspections, correspondence, orders, appeals, decisions and other matters relating to this by-law for a period of not less than two years.
- (4) Order the repair of any building where the same does not conform to the provisions of this by-law and, where in his opinion it would be unreasonable and impracticable to make such repairs, order the demolition of such building.

## SECTION 3. 1.

No person shall use or occupy for human habitation or being the owner thereof or his agent shall allow to be used or occupied for human habitation



any dwelling unit in any building unless such dwelling unit and building and the premises conform to the satisfaction of the Inspector with the regulations hereinafter set forth.

SECTION 3. 2.

Every person who willfully obstructs or interferes with the Inspector or any of his authorized representatives in the performance of his duties under this by-law shall be guilty of an offence and liable to the penalty hereinafter set forth.

SECTION 3. 3.

When it is necessary for a dwelling or dwelling unit to be vacated during repairs and/or alterations ordered by the Inspector, no person shall occupy such dwelling or dwelling unit until a certificate of compliance signed by the Inspector has been issued to the owner, his agent or tenant.

SECTION 4. 1. REGULATIONS

All buildings, including the dwelling, sheds, garages, outhouses and any other accessory buildings, shall be maintained in good repair to the satisfaction of the Inspector.

SECTION 4. 2.

Foundations of all buildings, including the dwelling and all accessory buildings, shall be continuous around the perimeter of the said buildings and shall be constructed of masonry, concrete or other material approved for use by the Building Commissioner.

SECTION 4. 3.

The cellar of all dwellings shall be drained to the sewer system in accordance with the Plumbing By-law of the Corporation and amendments thereto and such cellar, or an unheated crawl space, shall be adequately ventilated to the outside air. For the purpose of this section "adequately ventilated" for a

Cellar shall mean windows which can be opened, the area of which shall not be less than two per cent (2%) of the floor area, and for a

Crawl space shall mean a number of louvres with insect screens of corrosion-resistant material, the total area of which shall not be less than one-tenth (1/10) of one per cent (1%) of the area of such space, and so located in the exterior walls to provide optimum circulation and change of air. In no case shall any vent be less than twenty square inches (20 sq. ins.) of net-free area.

SECTION 4. 4.

The interior side of exterior walls, the ceilings of all floors above the cellar, and both sides of interior walls and partitions of all dwellings and any part thereof which are used or intended to be used for or in connection with human habitation shall be gypsum or metal lath and plaster, or covered with such other material as may be approved by the Building Commissioner.

SECTION 4. 5.

All buildings shall be kept in a waterproof manner. The roofing shall be maintained to prevent water from leaking into the interior of the building. The exterior cladding shall be adequate to prevent moisture from entering the building in any way and all windows shall be glazed properly with putty or stops and fitted so as to prevent entrance of water from the exterior.

SECTION 4. 6.

No habitable rooms shall be located in the cellar of any building.

SECTION 4. 7.



SECTION 4. 7.

There shall be only one dwelling permitted on any lot which lot shall conform to the width and area requirements of By-law Number 728 (Zoning By-law) of the Corporation and such dwelling shall face and the lot shall abut a street not less than forty feet (40') in width. Any dwelling unit located in a dwelling which does not comply with these requirements shall not be permitted to be repaired and shall be vacated and shall remain vacated from and after the receipt of one year's written notice to that effect.

SECTION 4. 8.

Every dwelling used or intended to be used for human habitation shall be provided with an adequate supply of potable water. If water is available from a City main located in the street, then such supply shall be used. Where such supply is not available, any other source of water may be used if approved by the Medical Officer of Health.

SECTION 4. 9. SIZE OF ROOMS

No room in a dwelling unit used or intended to be used for/or in connection with human habitation shall be used unless such room meets the minimum requirement set out in the following table:

TABLE 1

Use	Minimum Floor Area (sq. ft.)	Minimum Width (feet)
Living room.....	120	10' 0"
Dining room.....	70	8' 0"
Kitchen.....	50	5' 0"
First bedroom.....	110	9' 0"
Additional bedroom.....	80	7' 0"
Combination Uses		
Living & Dining room....	190	10' 0"
Living & Bedroom.....	200	10' 0"
Kitchen & Dining room...	90	7' 0"
Living, Dining & Bedroom..	230	10' 0"
Living, Dining & Kitchen..	230	10' 0"
Bathrooms		
Water closet only.....	15	4' 0"
Water closet & Lavatory..	20	4' 0"
Water closet, Lavatory & Bath.....	35	5' 0"
Water closet & Shower....	30	5' 0"

Alcoves for kitchen purposes only off a living room shall have a maximum floor area of forty square feet (40 sq. ft.) and depth not exceeding the width of the open side.

SECTION 4. 10.

The minimum height of all habitable rooms shall not be less than eight feet (8') on the first floor and not less than seven feet, six inches (7' 6") on any other floor including the basement. This height shall be maintained over fifty per cent (50%) of the floor area, and no portion of the room shall be less than four feet, six inches (4' 6") in height. The height of rooms other than habitable may be reduced to not less than seven feet (7').

SECTION 4. 11.

Every habitable room of a dwelling shall have at least one window or windows having a glass area equal to one-tenth (1/10) of the floor area of such room. For the purpose of this section the glass area of a sash door may be considered as a portion of the required window area.

SECTION 4. 12.

## SECTION 4. 12.

All rooms containing water closets, urinals, and/or slop sinks shall have a window opening to the external air with a glass area of not less than two square feet (2 sq. ft.) for each of the above fixtures, but in no case shall the glass be less than four square feet (4 sq. ft.). Artificial lighting shall be permissible if practical and desirable.

## SECTION 4. 13.

All habitable rooms shall have openable windows or vents having an area at least equal to five per cent (5%) of the floor area. Mechanical venting shall be permissible if practical and desirable.

## SECTION 4. 14.

Toilet rooms shall contain a window of which not less than forty per cent (40%) can be opened and such window shall be in an external wall opening in a street, lane, courtyard or opened vent shaft. Mechanical ventilation shall be permissible if practical and desirable.

## SECTION 4. 15.

No room used for sleeping purposes shall be occupied by more than one (1) person for each fifty square feet (50 sq. ft.) of floor area thereof; provided, however, that for the purposes of this section two (2) children under the age of six (6) years may be counted as one person.

## SECTION 4. 16. SANITARY FACILITIES

There shall be provided within each dwelling unit a water closet (toilet), wash basin, bath tub or shower, and a kitchen sink. Water shall be supplied to all fixtures.

## SECTION 4. 17. HEATING FACILITIES

Every dwelling shall be equipped with a heating system which shall be maintained in a safe and good working condition and in good repair at all times. It shall be of sufficient size to heat the dwelling and maintain a temperature of at least seventy degrees (70°) Fahrenheit. The heating unit shall be vented properly into an adequate chimney, approved by the Fire Chief and the Building Commissioner, to withdraw safely all of the products of combustion. Such unit shall be supplied with sufficient air for combustion. In case of a multiple dwelling with a central heating system, the same shall be located in a separate room having walls, ceilings and doors with a fire-resistance rating of not less than one (1) hour.

## SECTION 4. 18. FOOD STORAGE RECEPTACLE

There shall be provided in every dwelling unit a suitable and proper receptacle of not less than four cubic foot (4 cu. ft.) capacity for the storage of food. Such receptacle shall be subject to the approval of the Medical Officer of Health.

## SECTION 4. 19. MEANS OF EGRESS

- (1) There shall be provided and maintained two (2) means of egress from all dwelling units. Such means of egress shall be located as far distant from each other as possible and be a direct way to the exterior. Every dwelling unit shall have direct access to such means of egress without the necessity of passing through another dwelling unit.
- (2) In the case of an existing building one means of egress shall be within the building and if the building is over two (2) storeys in height, the means of egress shall be enclosed with walls and doors having a fire-resistance rating of at least one (1) hour. The second means of egress may be an exterior stair but such stair shall be so located that it will not obstruct the use of any window. In the case of a building over two (2) storeys in height, the stair shall be constructed of steel or of other approved non-combustible material.

- (3) In all cases, landings of not less than three feet (3') in depth shall be provided at the top and bottom of every flight of stairs except where there is a change in direction of the stairs in which case the landing shall be not less than the width of the stairs.
- (4) No flight of stairs shall exceed twelve feet (12') vertical rise without a landing.
- (5) Hand-rails shall be provided on one (1) side of all stairways three feet, six inches (3' 6") or less in width consisting of more than five (5) risers above a landing, and on both sides of all stairways over three feet, six inches (3' 6") in width consisting of more than five (5) risers above a landing. On all exterior stairways hand-rails shall be provided on both sides.
- (6) All exterior doors on dwellings containing three or more dwelling units shall open outwards and all doors on stair enclosures shall open in the direction of exit travel and be equipped with approved self-closing devices.
- (7) No riser in any such stair shall exceed eight inches (8") in height and no tread shall be less than nine inches (9") in depth excluding nosing. All risers and treads shall be of uniform height and depth.
- (8) The distance from any exit door of a dwelling unit to a stairway or to the exterior shall not exceed seventy-five feet (75') in a frame building having a fire-resistance rating of one (1) hour, or one hundred feet (100') in a protected non-combustible building having a fire-resistance rating of not less than two (2) hours.
- (9) If deemed necessary by the Fire Chief or the Building Commissioner the requirements for means of egress from any building may be increased.

#### SECTION 4. 20. ELECTRIC SERVICE AND WIRING

The electrical service and wiring of all buildings shall conform to the requirements of the Inspection Department of The Hydro-Electric Power Commission of Ontario. Where the Inspector finds any conditions indicating inadequate wiring, he shall report the same to the District Inspection Office of the said Commission requesting an inspection and report.

When ordered by the Inspector, the electrical service and wiring shall be repaired or replaced as required by the said Commission within the time specified by the Inspector. If the owner or his agent fails to comply with such order, the Inspector shall order The Windsor Utilities Commission to discontinue the electrical service.

#### SECTION 4. 21.

The premises shall be kept clean and free from rubbish or other debris at all times.

#### SECTION 4. 22. FUEL STORAGE

There shall be a convenient and properly constructed place or receptacle for the storage of fuel in or about the dwelling and in or about any dwelling unit that is separately heated.

#### SECTION 4. 23.

Floors and walls of all dwellings or any portion thereof shall be free from any dampness at all times.

#### SECTION 4. 24. COURTS

No windows in habitable rooms in dwellings containing three (3) or more dwelling units shall open into inner or outer courts unless—

- (1) The inner court shall be so constructed that its least dimension will not be less than its height.

- (2) The outer court shall be so constructed that its width will not be less than its length.

No windows of rooms other than habitable rooms in dwellings, as noted above, shall open into courts unless—

- (1) The inner court shall be so constructed that its least horizontal dimension will not be less than one-half ( $\frac{1}{2}$ ) its height.
- (2) The outer court shall be so constructed that its length will not be more than three (3) times its width and its width will not be less than one-third ( $\frac{1}{3}$ ) its height; provided that its width need not exceed its length.

For the purpose of this section—

“height of court” shall mean the vertical distance from the lowest level of such court to the highest point of any bounding wall. Where the court bottom is the roof of any lower storey of a building, which storey contains habitable rooms, and a sky light or other opening forming the sole lighting and/or ventilating medium is provided therein for such rooms, the height of the court shall be measured from the floor level of the lowest storey so receiving light or ventilation from such sky light or opening to the highest point of any bounding wall.

“length of court” shall mean, in the case of an outer court, the mean horizontal distance between the open end and closed end of the court and in the case of an inner court, the greatest horizontal dimension of said court.

“width of court” shall mean in the case of an outer court the least horizontal dimension between the sides of such court as distinguished from the open and closed ends of the court, and in the case of an inner court the least horizontal dimension of such court.

#### SECTION 4. 25. SEWAGE DISPOSAL

All dwellings shall have the sanitary facilities and the roof drainage system connected to an adequate sewer or sewers. If there is a sewer in the abutting street or alley or within one hundred feet (100') of a dwelling, then the house sewer shall be connected thereto.

If a sewer is not available, the sewage disposal system for the dwelling shall be approved by the Medical Officer of Health before it may be installed and/or operated.

#### SECTION 4. 26. STORAGE CUPBOARDS

No storage cupboards shall be constructed under any stairs in any dwelling with three or more dwelling units.

#### SECTION 4. 27. PUBLIC HALLS

All public halls in multiple dwellings shall be adequately lighted at all times by the owner. Exit lights when required by the Fire Chief and/or the Building Commissioner shall be installed as directed by them. The size and design of the said lights shall be approved by the Fire Chief.

#### SECTION 4. 28. STORAGE OF COMBUSTIBLE MATERIAL

No dwelling, or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by the Fire Chief under authority of a written permit issued by him. No multiple dwelling or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of feed, hay, straw, cotton, paper stock, feathers or rags.



## SECTION 5. 1. POWERS OF THE INSPECTOR

When any dwelling unit, building or premises are not in conformity with the standards set forth in Section 4 hereof, the Inspector may notify the owner, his agent and/or the tenant by registered letter specifying wherein the said dwelling unit, building or premises are defective, and the owner or his agent shall then at his own expense, within three (3) months, make the same comply with the provisions of this by-law or demolish any defective building or structure on the said premises. When the building in the opinion of the Building Commissioner is beyond repair, he shall so state in his letter and order the building to be demolished.

## SECTION 5. 2.

The said notice shall also set forth the work required to remedy the defects complained of, a description of the premises affected, the provisions respecting the right of appeal from the Inspector's order, the final date for filing an appeal and copies of such notice shall be forwarded to the Clerk of the Corporation and the other Inspectors.

## SECTION 5. 3.

In the event that the Inspector cannot locate the owner of the premises referred to in Section 5. 1. hereof or his agent after diligent inquiry, the Inspector shall cause the notice, hereinbefore referred to, to be published at least twice in a local newspaper at intervals of not less than two weeks and such publication shall be deemed to constitute sufficient notice to the said owner or agent.

## SECTION 5. 4. RIGHT OF APPEAL

The owner or his agent may appeal the order of the Inspector to the Board of Review hereinafter mentioned provided such appeal is received by the Secretary of the said Board within ten (10) days of the date of the said order and complies with all the provisions of Section 6 of this by-law.

## SECTION 5. 5. CONFIRMATION OR MODIFICATION OF ORDER

If the order of the Inspector is confirmed or modified by the said Board of Review, the owner or his agent shall forthwith comply with the terms of such order within the period of time specified therein provided that the said Board may extend the time for so complying for a further period of not more than sixty (60) days.

## SECTION 5. 6.

If any owner or his agent refuses or neglects to remedy the defects in the said dwelling unit, building or premises or demolish any defective building or structure on the said premises as required by order of the Inspector and within the time stated therein, then the Inspector may forthwith prohibit the further use of the said building and premises or any portion thereof, and may also with or without the consent of the owner or his agent undertake and complete the necessary repairs or demolish any defective building or structure thereon and for any of the said purposes shall have the right to enter upon the building or premises of such owner or an adjoining owner from time to time as may be necessary and the owner or such adjoining owner shall not be entitled to compensation for any trespass done by the Corporation. All costs or expenses incurred by the Inspector or Corporation under the provisions of this section, including necessary repairs to an adjoining property, shall be borne by the owner and shall become a lien upon his lands and the said costs or expenses with interest thereon at the rate of six per cent (6%) per annum may be collected in like manner as municipal taxes or by action in any court of competent jurisdiction. The certificate of the Inspector shall be final and conclusive as to the amount of such costs and expenses. Where it is deemed expedient to collect such costs and expenses as taxes, all amounts not exceeding One Hundred Dollars (\$100.00) with interest thereon as aforesaid shall be added to the Collector's roll for collection in the year following the date of completion of the said work. All amounts in excess of One Hundred Dollars (\$100.00) with interest thereon as aforesaid shall be



added to the Collector's roll and collected in equal consecutive annual payments over a period not exceeding five (5) years from the date of completion of the said work. The demolition of any building or structure shall be carried out by the Building Commissioner only when he has satisfied himself that the same is beyond repair, unsafe and/or a hazard to the public. The Building Commissioner shall before any repair or demolition is commenced obtain through the Purchasing Agent of the Corporation, if possible, bids from contractors respecting such work and the lowest bid shall be accepted provided all other considerations are equal.

#### SECTION 5. 7. COST OF REPAIRS

The Building Commissioner shall notify the Treasurer of the Corporation of the cost of the above work and the Treasurer shall pay to the contractor the amount approved by the Building Commissioner and the Clerk of the Corporation shall also be notified of this amount.

#### SECTION 5. 8. CLOSING AND PROHIBITING USE OF DWELLINGS

When the Inspector finds a dwelling which is in such a condition as to be hazardous to the health of the occupants or to the public health, or is a fire hazard or liable to cause injury to any person or is dangerous in any manner whatsoever, he shall have the power to close the dwelling and prohibit its use until the necessary repairs are made thereto.

#### SECTION 6. 1. BOARD OF REVIEW

For the purpose of this by-law there is hereby constituted a Board of Review hereinafter referred to as the Board. The Board shall consist of three (3) persons appointed by the Council of the Corporation and is hereby authorized and empowered to entertain appeals against the orders of the Inspector.

#### SECTION 6. 2. ORGANIZATION

The members of the Board shall select one of themselves to act as Chairman, who shall preside at all meetings thereof. In case of the absence of the Chairman, the Board may appoint another member to act as Chairman pro tempore. The members of the Board shall remain in office during the pleasure of the Council of the Corporation.

#### SECTION 6. 3. SECRETARY

The Board shall appoint a secretary and the Clerk of the Corporation shall provide the Board with such secretarial and clerical assistance as it may require.

#### SECTION 6. 4. QUORUM

Two (2) members of the Board shall constitute a quorum.

#### SECTION 6. 5.

Any person desiring to appeal the order of the Inspector to the Board shall give notice in writing to the Clerk of the Corporation within ten (10) days from the date of the said order.

#### SECTION 6. 6.

At the time such notice is given the appellant shall deposit with the said Clerk a fee of Ten Dollars (\$10.00) and no appeal shall be heard until the said fee has been paid.

#### SECTION 6. 7.

In the event the appeal is allowed by the Board the said fee of Ten Dollars (\$10.00) shall be returned to the appellant; otherwise the fee shall be retained by the Corporation.

#### SECTION 6. 8.

## SECTION 6. 8.

The Board shall adopt its own procedure for dealing with such appeals and may confirm, modify or set aside the order of the Inspector. When the appeal has been decided a copy of the Board's decision shall be forwarded promptly to the appellant and the Inspector.

## SECTION 6. 9.

The Clerk of the Corporation shall notify the Chairman of the Board upon receipt of an appeal and the Board shall hold a public hearing with respect thereto within thirty (30) days of receipt of the said appeal. The Secretary of the Board shall give notice by ordinary post to all interested parties, at least ten (10) days before the date of such hearing and the hearing shall be held at such time and place within the limits of the Corporation as shall therein be stated.

All hearings shall be public and the appellant, his representative, the Inspector and/or his authorized representatives and any other person whose interest may be affected by the matter in question shall be given an opportunity to be heard.

## SECTION 7. 1. GENERAL

The Inspector or his authorized representative is hereby authorized to enter at all reasonable hours upon any building or premises for the purpose of carrying out his duties under this by-law.

## SECTION 8. 1. PENALTIES AND OFFENCES

The violation of any provision of this by-law shall be and constitutes a separate offence under this by-law for each and every day such violation shall continue.

## SECTION 8. 2.

Any person violating any provisions of this by-law shall upon conviction forfeit and pay a penalty of not more than THREE HUNDRED DOLLARS (\$300.00), (exclusive of costs) for each such offence and every such penalty shall be recoverable under *The Summary Convictions Act*, all the provisions of which shall apply except that the imprisonment may be for a term not exceeding six (6) months.

## SECTION 8. 3.

The provisions of this by-law shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*.

## SECTION 9. 1.

This by-law shall take effect upon, from and after being validated by an Act passed by the Legislative Assembly of the Province of Ontario.

(Signed) MICHAEL PATRICK,  
Mayor.

(Seal)

(Signed) J. B. ADAMAC,  
Clerk.

FIRST READING —September 23, 1957.

SECOND READING—September 23, 1957.

THIRD READING —September 23, 1957.

## SCHEDULE B

All and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor in the County of Essex and Province of Ontario, being composed of—

- (a) The easterly One Hundred and Eight feet (108') of Lot Number Nineteen (19) on the west side of Dufferin Place, Block 7, according to Registered Plan 358;
- (b) The easterly One Hundred and Eight feet (108') of Lot Number Four (4) on the west side of Dufferin Place, Block 9, according to Registered Plan 358;
- (c) The easterly One Hundred and Eight feet (108') of Lot Number Thirty-nine (39) on the west side of Dufferin Place, Block 9, according to Registered Plan 358;
- (d) The north half of Lot Number One (1) on the south side of Riverside Drive East (formerly Sandwich Street East), Block 3, according to Registered Plan 126.

## CHAPTER 167

**An Act respecting  
Windsor Jewish Communal Projects**

*Assented to March 27th, 1958  
Session Prorogued March 27th, 1958*

**W**HEREAS Windsor Jewish Communal Projects, a Preamble corporation incorporated under *The Companies Act*, R.S.O. 1950, by its petition has represented that it is composed of Jewish c. 59 men and women of the City of Windsor and that it is erecting a Jewish Community Centre and has prayed that special legislation be passed to provide that its buildings, lands, equipment and undertaking be exempt from municipal taxation, except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the City of Windsor may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Windsor Jewish Communal Projects, provided that the land is owned by the Windsor Jewish Communal Projects and occupied by, used solely and carried on for the purposes of the Windsor Jewish Communal Projects, on such conditions as may be set out in the by-law. <sup>Tax exemption</sup> R.S.O. 1950, c. 24

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**3.** This Act may be cited as *The Windsor Jewish Communal Projects Act, 1958*. <sup>Short title</sup>





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## A

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 OPTOMETRY AMENDMENT ACT: 1951, c. 63.  
 PROCEEDINGS AGAINST THE CROWN ACT: 1952, c. 78.  
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